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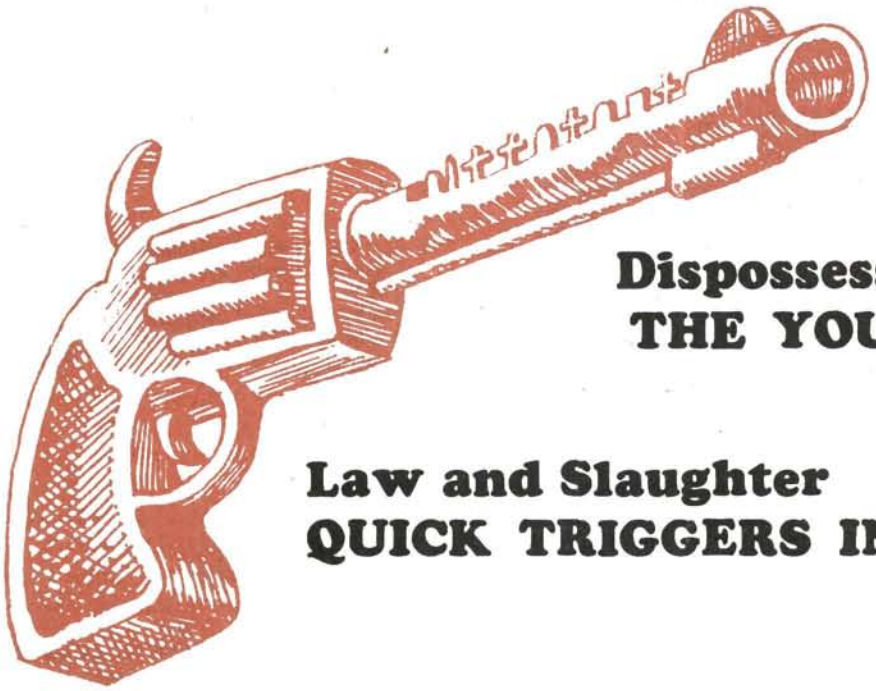

Dispossessed and Unloved
THE YOUNG ASSASSINS
George H. Douglas

Law and Slaughter
QUICK TRIGGERS IN NEW MEXICO
James Rowen

Expropriation: Imperialism's Achilles' Heel **Ved P. Nanda**

LEON S. ROUDIEZ:
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LETTERS

not a dime's difference

Asheville, N. C.

DEAR SIRS: Jimmy Carter of Georgia will do the people of the United States a great disservice if he is successful in organizing an alliance which stops Sen. George McGovern from becoming the Presidential nominee of the Democratic Party in Miami this July. A rerun of the old tweedledum and tweedledee twins of 1968 will further divide the nation, which is already more dangerously divided than ever before. . . .

George Wallace was right when he said there was not a *dime's* difference between the two major parties. This is so because neither the Democrats nor Republicans have separate or distinguishable principles or policies. They do have one thing in common: a desire for public office. . . . And there was not a *nickel's* difference between the leading candidacies for the Presidency in 1968. The Governor of Georgia, if successful, would merely repeat this disaster. . . .

The nomination of George McGovern would give the people their first real choice in a Presidential election since World War II. . . . It just might mean, in addition, an honest realignment of the two major parties based upon differences of policy and principles. . . .

While the people are, in general, patient, there is a limit to patience, as revolutions of the past and present clearly show. And it would be wise, it seems to me, to let them show that they have reached their limits peacefully through the exercise of the ballot rather than through revolution.

If the majority of the American people really want to re-elect Mr. Nixon, they should be given the opportunity to do so. If the majority of the people, on the other hand, want to make a change, they should also be given the opportunity to vote for it. Mr. Carter would deny them this basic right. Such a denial is not only wrong but extremely dangerous. *Hugh B. Hester, Brig. Gen. U.S. (Ret.)*

for the defense

San Francisco, Calif.

DEAR SIRS: Let me hasten to assure you that Bernard Weiner's "Getting Busted Abroad" [*The Nation*, Feb. 14] was a substantial factor in effectuating the acquittal of Jack Maniaci. It is utterly fantastic, if not shameful, that two Spanish lawyers, Lorenzo Olarte Cullen and Enrique Gonzalez de la Vega, ultimately cared so much more for the unfortunate American than did our own government. Our government's policy has been restated to be, "when an American is arrested abroad, he is on his own." . . .

The *Nation* article seemed to neutralize the American Government's posture. Earlier, the American Government's position seemed to be on the side of the prosecution.

Morley Shapiro

Scientology fights on

New York City

DEAR SIRS: Two things need be commented on in regard to the article, "Scientology Fights Back" by Clay Steinman [*The Nation*, May 22].

First, the statement by Mr. Hubbard re: "Anyone proposing an investigation or an 'enquiry' into Scientology *must* receive this reply and no other proposal: 'We welcome an investigation into (Mental Healing or whoever is attacking us) as we have begun one ourselves and find shocking evidence.'" It should be added, as I had told Mr. Steinman, that not only is that our statement but it is something that we actually *do*. We have done this in England when the former Minister of Health Mr. Kenneth Robinson had proposed an inquiry into Scientology. As a result of our inves-

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EDITORIALS

A Fair Trial

The presumption of innocence with which Angela Davis went to trial has been sustained by the verdict of an all-white jury. Although trained in philosophy, Miss Davis could hardly be expected to take an objective view of the long ordeal she has undergone. The only fair trial, she is quoted as saying, would have been no trial; but clearly there was sufficient evidence, circumstantial though most of it was, to warrant an indictment. She was of course delighted with the jury and entertained its members after the verdict was returned, but in her view trial by jury is not part of the judicial system, a novel and biased view. And finally, she says that her trial and acquittal have not modified her harsh views about the judicial system.

That system did not proceed smoothly or fairly in the early stages of her trial [see "A Fair Trial for Angela Davis?" by Jerome H. Skolnick and Steven A. Brick, *The Nation*, July 19, 1971]. A Marin County grand jury indicted Miss Davis in her absence. She was confined for six months before the sufficiency of evidence against her was put before a judge. She was at first denied bail because of a provision in the California constitution, but was later admitted to bail when the state Supreme Court outlawed capital punishment. Her trial was delayed because no Marin County judge wanted to hear it, for understandable reasons. Another judge, satisfactory to Miss Davis and her counsel, disqualified himself when he was challenged by Ruchell Magee, her co-defendant. A major part of the problem of securing a fair trial for Miss Davis—given the high feeling that prevailed in the community—was the fact that Magee had been named in the same indictment. But Judge Richard Arnason, who was finally assigned to preside over the trial in San Jose County, was instrumental in having the trial of Magee severed from that of Miss Davis. On balance, therefore, Miss Davis had reason to question the ability of the judicial system to accord her a fair trial.

But despite these inauspicious beginnings, Miss Davis did in fact receive a fair trial, her unphilosophical strictures to the contrary notwithstanding. There is nothing inherently wrong with the major attributes of the judicial system, such as trial by jury, the right to counsel of one's choice, the right to bail (in appropriate cases), the right of cross-examination and the other procedural safeguards. Too often these safeguards are ignored or distorted, and when they are, too often the defendant, whether black or white, is poor. The proper functioning of the system presupposes what in this instance Miss Davis enjoyed: a fair-minded judge, extremely able counsel, ample funds for investigators, a reasonably tolerant community opinion, careful jury selection. Where these conditions have obtained, black militants have finally managed to receive fair trials: witness the trials of Huey Newton, Bobby Seale (in New Haven), the New York Panthers, and now Angela Davis.

The trouble is not with the safeguards of the judicial system but with the pressures which distort them. As Howard Moore, Jr., one of Miss Davis' counsel, put it, "justice should be the routine of the system"—obviously, it isn't. Police do harass blacks, and the poor, black and white, have a hard time to secure a measure of justice; but that

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does not warrant wholesale condemnation of the judicial system. As Skolnick and Brick reported in *The Nation*: "Both the state and the accused have an interest in obtaining the fairest trial possible. In reality, fairness can only be approximated; we come closest to it when, while operating in an imperfect system, we strive to remedy imperfections. The worst we can do is to deny their existence." It is almost as bad to condemn the system out of hand.

CAMPAIGN '72

The Media Woods

After his smashing victories in California, New Mexico, South Dakota and New Jersey, Senator McGovern finally stands in the warm light of full media attention. Even before these triumphs, he had begun to escape from the media woods. Arthur Alpert, news director of New York's WRVR (FM) and host of *Inside Media,* an interesting weekly review, dates McGovern's emergence from the week of May 8 when he made the cover of both *Time* and *Newsweek*. Until then it had been, says Alpert, "a long, lonely hike." Sure, McGovern was a fine man—honest, intelligent, straightforward, largely right on the key issues —but how could the press take seriously a candidate whom they had decided from the outset not to take seriously? Even when he began to win delegates, the media simply added "surprising" to its epithets for McGovern. Now, as the pre-convention phase of the campaign enters its final weeks, the tone has changed. "Why were we wrong?" asks Stewart Alsop in *Newsweek,* and a Joseph Kraft column, captioned "Misjudging McGovern," speculates on the reasons that so many "professional analysts" went astray. But, as Mr. Alpert notes, McGovern is not quite out of the media woods. There remains the problem of what he calls "Restonism," although he takes pains to say that James Reston of *The New York Times* did not invent the practice nor is he its only or major practitioner.

Restonism is the current name for the media practice of setting up polar relationships between people who do not represent political extremes. By placing Wallace at the extreme Right and McGovern, "the radical," at the extreme Left, the press presented the Center to Senator Muskie, with some competition from Humphrey and Jackson. Once the spectrum had been apportioned in this fashion, it followed automatically that McGovern—"radical," "Left extremist"—could not possibly win broad popular support and therefore did not need to be taken seriously; a minimum of attention would suffice. Even as evidence began to accumulate that McGovern had broad popular support, he was still kept in the media wilderness. For by then the script had been written, the cast assigned, and the show sent on the road. Sheer laziness made the journalists reluctant to rewrite the outline or change the cast. The practice of polarizing relationships leads also to what Alpert calls "the dogma of reasonableness." Almost by definition, the Center position is "reasonable," the "extreme" position is not. Since Muskie was cast as the "reasonable" candidate, willing to compromise, it followed that he was not really obliged to take positions on key issues; in fact his failure to take such positions was cited as a special merit—it made him more "reasonable."

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Setting up these phony polar relationships is a favorite media trick. Alpert cites as one example the short-lived ABC network experiment of presenting "a spectrum of opinion" that consisted of Bill Moyers (liberal) and William F. Buckley, Jr. (conservative). Yet, as Alpert points out, Buckley's stock in trade is to devise entertaining formulations of devil's advocate positions, many of which have nothing whatever to do with conservatism; whereas Moyers has never said a radical word in public. Their points of view were not polar opposites nor did they reflect the real political spectrum. Reference might also be made to the "Point, Counterpoint" exchanges between Nicholas von Hoffman and James J. Kilpatrick on CBS's *60 Minutes* news program and to the Theodore Sorensen-Martin Abend exchanges on New York's Metromedia station. Neither of these pairings embraces the extremes and it is a disservice to bill them as representing "liberal" opposed to "conservative" views.

McGovern's most recent "surprising" victories now confront the media with a problem—how to give him top billing without changing his assigned role as "radical." One means, of course, is to blur the effect of the victories by making it appear that "fear of McGovern" is widespread. Of course it would be difficult to find anyone who really does fear George McGovern, and the large constituency he has put together negates the proposition. However, it was reasonably hard to pin the "radical" label on the son of a Methodist minister who has been twice elected to the Senate as a Democrat from the normally Republican and consistently conservative state of South Dakota. Scriptwriters, one sees, are ingenious men. They now tell us that Democratic governors, particularly those from the South, fear the consequences to state tickets should McGovern be the nominee. So, too, say the "political pros." It is suggested, therefore, that he should take Rep. Wilbur Mills as a running mate in order to soften up the Jimmy Carters of the South. Now the South does offer some excellent Vice Presidential possibilities, but it would be foolish of McGovern to tap one of them—assuming he is nominated at Miami—for the purpose of wooing the South.

The chances are good that President Nixon will take John Connally as his running mate and give Spiro some post of high prestige (I have heard disquieting rumors that he might be named director of the FBI). With Connally on the ticket, obvious bait for a conservative Democratic crossover, Nixon would have an excellent chance to carry the entire South, including Texas, which Humphrey narrowly won in 1968. A Southerner as Democratic Vice Presidential nominee would not be much of an offset. But, it is said, it would help to hold the Wallace vote in the big industrial states. Wallace himself will not, of course, be given the Vice Presidential nomination, nor would he necessarily be appeased if a Southerner were chosen. If he runs as an independent, he will cause Nixon trouble in the South and probably take votes from both major parties in the Northern industrial states.

But an aspect of Wallace's "surprising"—according to the mass media—vote in these states requires emphasis. In Michigan the Republican crossover vote for Wallace has been estimated at 250,000; it was also a heavy vote in Wisconsin. These upper-middle-class suburbanites, Republican by family tradition, would not vote for Wallace as an independent candidate nor would they vote for any Democratic ticket. Also the Wallace vote in the Northern industrial states reflects, to a large extent, a familiar habit among many American voters of "kicking over the traces" in primary elections. Primaries are great for letting off steam, expressing resentments, telling off the major parties, creating a rumpus. But November usually brings a different mood; real issues (primarily economic) and live options are carefully weighed. If both factors are considered—Republican crossover votes and the primary binge—the size of the Wallace vote in these states is not all that "surprising." It would be more than offset if Senator Kennedy were to be the Vice Presidential nominee.

As to those Southern Democratic governors and party nominees who live in "fear" of McGovern, it should be noted that a new constituency has been shaping up for some years in most of the states of the region. More young people, more blacks, more women, segments of a better educated and more sophisticated urban middle class, and, in general, more anti-Democratic-Establishment elements have been playing active roles in the Democratic Party. In North Carolina, Rep. Nick Galifianakis, a "new politics" candidate, has upset Sen. B. Everett Jordan, a fourteen-year veteran, 75, in a recent runoff election. Galifianakis scored heavily in the growing urban areas. It is most unlikely that McGovern, as the party's nominee, would injure his chances in November. In Texas Mrs. Frances I. Farenthold lost the runoff but made a remarkable showing, notably in Houston and Dallas, and clearly represents "the wave of the future" in Democratic Party politics. McGovern's nomination could not possibly hurt the chances of Dolph Briscoe, the victor in the runoff; it might have the opposite effect. In Arkansas the thirty-year veteran, Sen. John McClellan, 76, has been forced into a June 13th runoff by Rep. David H. Pryor, a close friend of Galifianakis. If Pryor wins, McGovern's nomination would help, not hurt, his chances and if McClellan wins, who cares? In Mississippi Gov. William L. Waller is trying hard to effect a compromise between "regulars" and "loyalists"; he surely needs, now and in the future, the kind of support that McGovern's nomination might make possible. And in Louisiana, Gov. Edwin Edwards is said to have "adjusted smoothly" to the fact that McGovern captured the Democratic delegation. The success of "the black-McGovern coalition," he is quoted as saying (*The New York Times*, June 4), "signified the power of the new, the young, the idealistic—those who haven't been allowed to be involved in the past." So the best thing most of those Southern governors and officeholders and seekers can do is to follow Governor Edwards' example and "adjust," smoothly and quickly, if McGovern is nominated, as now seems likely. In the long run they are certain to benefit, and in the short term the consequences may be less "fearful" than they imagine.

* * *

Everyone has a theory about why McGovern's lead in California dropped from 20 per cent—as measured by the Field poll at the end of May—to around 5 per cent on primary day. A possible cause may be the saturation TV coverage given the acquittal of Angela Davis on election eve. Obviously, McGovern was in no way involved, and the case, being in the courts, had not figured in the cam-

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paign. But one segment of the electorate with whom McGovern did poorly was the elderly, independent, uncommitted voters, said to constitute about 13 per cent of one sample, and they may have registered their annoyance with the verdict—more likely, with Miss Davis' comments—in an illogical, impulsive way. *The Nation* received reports on Tuesday that the extensive TV coverage of the verdict would cost McGovern votes; one such report—from Robert Sherrill—suggested that it would cut his lead to about 5 per cent. In fact, I lost a nickel bet to Sherrill and must, I suppose, pay up eventually, even though there is no way to prove a connection between the verdict and the sharp, swift drop in McGovern's lead.

What Hath Nixon Wrought?

The results of the Moscow talks are fertile ground for domestic confusion and contention, in the course of which the public may be seriously misled. The first possible misconception is that the agreements deal with peace or disarmament. Actually, they represent what *Disarmament News & Views* calls an agreement of "princes," both Brezhnev and Nixon being potentates concerned primarily with power. The power of neither is absolute, however. Part of what Nixon brought home—the SALT limitations on anti-ballistic missiles—are in treaty form and must be ratified by a two-thirds vote of the Senate, while the limitations on offensive nuclear missiles require the concurrence of both houses of the Congress by majority vote. For his part, Brezhnev must satisfy his colleagues in the Presidium of the Supreme Soviet. And both "princes" must keep their respective armed forces reasonably satisfied—never entirely, since military appetites are by nature insatiable. This involves a delicate complex of balances, now illustrated on the American side by declarations that the Pentagon will not "accept" or "support" the agreements unless it is granted some expensive improvements in future weapons systems.

The SALT limitation on ABM systems is no great achievement from the standpoint of either hawks or doves, since in an all-out nuclear exchange ABMs probably would not work, and in the event of a false alarm might deluge the defended side with radioactive fallout. Nevertheless, the treaty covering these installations should be ratified. Senator Fulbright would prefer no ABM installations at all, but feels that the treaty signals a "mutual change in attitude"; on that ground he will not oppose it. Prof. Wolfgang Panofsky, director of the Stanford Linear Accelerator Center and a consultant to the Arms Control and Disarmament Agency, takes a more positive attitude. He says: "The fact that both the Soviet Union and the United States have accepted a severe limitation on ABM deployment is a policy declaration by both nations that they are effectively 'hostages for peace' in respect to one another in the foreseeable future and that therefore cooperative existence between them is a necessity." Cal Tech President Harold Brown sees all the agreements reached in Moscow as a welcome "stabilization of the balance of terrors." The next step, he feels, should be in the direction of qualitative as well as quantitative limits.

That is the crux of the matter. Offhand, the figures on allowable weapons seem to favor the Soviet Union and are already being cited to that effect by the hawks. The Soviets are permitted to deploy 2,358 ICBMs and submarine-launched missiles to 1,710 for the United States. But the figures refer to launchers rather than to warheads. The hawks ignore the fact that American technology has provided the capacity for several independently targeted missiles for each rocket, so that in fact the United States is well in the lead. In any case, each nation has about ten times the warheads it needs to destroy the other.

One would think that the protagonists of overkill on both sides would be satisfied. Perhaps they are on the Soviet side—we know nothing of how their lunatics feel—but ours are in a dither, real or pretended. That bland chauvinist, Secretary of Defense Laird, keeps reiterating that we must "keep our guard up" and, in agreement with the President's statements in his report to Congress, we must enter future negotiations from a position of strength. To this end, we must develop and build, at an accelerated rate, Trident submarines at $1 billion apiece, and the B-1 supersonic bomber to replace the B-52. If Laird and the other hawks, like Senator Jackson, have their way, the Moscow agreements will intensify the arms race and raise the Pentagon budget up to $90 billion or higher.

For once, the auguries are unambiguous. If peace is ever to be achieved, in any meaningful sense, *people* will have to achieve it—eventually by putting a stop to wars entirely. But as things stand, our people are only vaguely informed on such matters as what was accomplished at Moscow, and the Russian people know even less.

There are some signs that in the long run world opinion may play a part in curbing the arms race and civilizing the superpowers. At the U.N. Stockholm conference on man's environment, Secretary-General Waldheim branded armaments as "the ugliest of all pollutions," and Premier Olof Palme of Sweden charged the United States with waging "ecological warfare" in Indochina. His severe castigation, and his demand that the conference "unequivocally proclaim" that the large-scale channeling of resources into armaments be stopped, "deeply disturbed" our State Department.

Mr. Nixon may be disturbed too, come Election Day. What he has been trying to do is pose as a peace candidate, while pleasing the Joint Chiefs of Staff, the military-industrial interests and the right wing of his party. If a real peace candidate opposes him, he may find himself losing votes from such pronouncements as the one Premier Palme made. It is to be hoped that other leaders of civilized nations will follow Mr. Palme's example. The same obligation rests with even more force on progressive elements in the United States.

The Amalgamated Tradition

A *New York Times* editorial begins: "Few unions have done nearly as much to civilize labor-management relations and to promote social idealism as the Amalgamated Clothing Workers of America." It is a thoroughly acceptable proposition.

The men chiefly responsible for the Amalgamated's splendid tradition are Sidney Hillman, who died in 1946, after training the brilliant triumvirate of Jacob S. Potofsky, Frank Rosenblum and Hyman Blumberg. Potofsky, 77,

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and Rosenblum, 85, survive, but they are not seeking re-election as president and secretary-treasurer, respectively. Potofsky has been president for the past twenty-six years and his retirement ends sixty-two years of struggle and triumph in the labor movement and the clothing industry. The Amalgamated, founded in 1914, also benefited by exceptionally able legal counsel: Max Lowenthal in the early days, Maxwell Brandwen more recently.

The Amalgamated's accomplishments are great in themselves; they are even more resplendent in contrast with the moral shambles in some other sections of the labor movement. To begin with, this is one union that has always insisted on the sanctity of union funds, and the obligation of the officers to follow genuine fiduciary policies in respect to pensions and other benefits to members. The same attitude has prevailed toward the public and the clothing industry: the union has always exercised its power with moderation and wisdom. In the field of housing, the Amalgamated has put 45,000 families in high-grade, low-cost apartments without a penny of assistance from city, state or federal government, except for the tax exemption granted to all projects of the kind. Among other benefits for the 385,000 members are health clinics, scholarship funds, day-care centers and much else.

The union has always taken forward-looking positions. In the early period it fought for minimum wages when the old AFL was opposed to them. It won a historic battle in 1921 when it was locked out of the plants and efforts were made to have its activities declared illegal. In 1930 and 1931 it defeated an attempt by gangsters to muscle in. It has always taken a progressive, humane stand on foreign policy. At the 28th biennial convention, held during the week of May 29 in Miami, Mr. Potofsky called for the defeat of President Nixon in November. "If we want to end the war," he said, "if we want to end the inflation and unemployment, if we want real tax reform, if we want to do the many things that have been too long delayed, we must have a new Administration."

The incoming officers, Murray H. Finley of Chicago, unopposed in a referendum election as president, and Jacob Sheinkman of New York, unopposed for secretary-treasurer, are well fitted to carry on the Amalgamated tradition. Potofsky and Rosenblum have trained them, as they had been trained by Hillman. The older men now departing will be remembered for exceptionally able and devoted leadership, not merely to the union and its members but to the trade union movement and the country.

Over a Barrel

Iraq's decision to nationalize the northern Iraq properties of Iraq Petroleum Ltd.—owned by the Shell Group, Compagnie Française des Petroles, British Petroleum Ltd., Mobil Oil, Standard of New Jersey and the Gulbenkian interests—has shaken the international oil companies. In the words of one official, they are "over a barrel."

Several factors are in play here. (*1*) An upsurge in the demand for oil. (*2*) Arab nationalism, triggered by the Six Day War, or intensified by it. (*3*) The closing of the Suez Canal and (*4*) the nationalization of oil that has taken place in Libya and Algeria, and the way whereby Libya cut itself in for a larger share of the proceeds.

The specter for the international companies, of course, is expropriation or nationalization of properties and profits. As to the value of nationalized properties, the companies are reluctant to accept book value figures: they want book value *plus* profits that would have accrued to the end of the concession, which in some cases extend to the end of the century (see article p. 775). Yet there is really no way to stop nationalization. The outlook is that within ten years all the oil properties in the Middle East and North Africa will be nationalized. Since about 50 per cent of total energy in the non-Communist world is supplied by oil, that implies important changes in prices, fuel sources, airline and automobile operation, etc.

In addition to those cited above, there are still other factors to be taken into account. (*5*) The entry of the Russians into these situations, as in Iraq. Although the USSR is well supplied with oil, it is in a position to offer barter agreements and other arrangements, and so to put more and more Western interests over the barrel. Nor are oil companies the only potential victims: the shadow of expropriation hangs over other resources—copper, nitrates, etc. Some have already been expropriated, others will be. For protection, the Overseas Private Investors' Corporation was organized. Its funds, however, are inadequate to pay for copper nationalizations in Chile alone.

And (*6*) various developing countries are banding together to bargain as a group, so that the old squeeze play of blocking the sale of an expropriated property doesn't operate as well as it once did.

This situation, with all its ramifications, gives special emphasis to the recent announcement that John Connally will visit fifteen nations on three continents. It is to be no pleasure trip. As the President's representative, Connally will engage in some serious business, involving domestic as well as foreign concerns. Some time ago, Connally delivered a speech which did not receive nearly the attention it deserved. He was tough on expropriation. Economic diplomacy must change, he declared, and take a harder line. U.S. companies must compete less among themselves so that they may compete better with the corporations of other countries. And further: government and business must come closer together, so that the *government* fist can be used to check such anti-American measures as expropriation, interference with private enterprise, etc.

A corollary, pointed out in *The Wall Street Journal,* is the necessity of change in traditional labor-business-government relations. "Buddying up," the *Journal* called it; state capitalism might be a more revealing term. If Mr. Nixon is re-elected, we may expect this new relationship to be vigorously implemented. As a beginning of the newly conceived state of affairs, Mr. Connally is going around the world, with Venezuela the first stop.

The old-style imperialist game is passé. Public opinion will no longer tolerate sending in the Marines; one can no longer rely, even, on toppling recalcitrant regimes by getting the native colonels to take over. But no one should imagine that the ITTs of the U.S. economy will throw in the towel—they are made of sterner stuff. The tactics they will use henceforth will be less obvious and more devious. As the harbinger of the changes in prospect, Mr. Connally merits watching. As Secretary of the Treasury, he was important; he may be even more important in the future.

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EXPROPRIATION

IMPERIALISM'S ACHILLES' HEEL

VED P. NANDA
Mr. Nanda, born in what is today West Pakistan, and now an Indian national, is a professor of law and director of the international legal studies program at the University of Denver College of Law.

Has Chile violated international law by expropriating U.S. copper interests? What are the economic and political implications of the recent wave of nationalization and expropriation of foreign private investments in several developing countries including Bolivia, Ceylon, Chile, Ecuador, Libya, Peru and Venezuela?

More than 200 international lawyers, economists, corporate executives and law and graduate students met on April 15 at the University of Denver College of Law to discuss these and related questions. They agreed that there is no end in sight to the growing economic nationalism in developing countries. They accepted the thesis that in the foreseeable future, foreign private investments in developing countries will face drastic curbs. Foreign corporate interests will be increasingly asked to behave as "good corporate citizens," which in fact means that further restrictions will be imposed by the host countries to control corporate behavior. Most countries already require the participation of local capital. It is likely that other restraints will be placed on the foreign corporations' freedom to enter into business, commercial and industrial ventures of their choice—specifically on capital repatriation; dividends, profits and earnings remittances; local borrowing; hiring and firing of local personnel; forming and implementing corporate policies on investment, production, financing and marketing.

The participants in the meeting, sponsored by the American Society of International Law, were, however, in violent disagreement on the present state of international law on expropriation. While there was consensus that a country could invoke the principle of sovereignty and, for a public purpose, take the property of nationals and aliens alike, divergent views were expressed on the requirement and measure of compensation under international law. The views ranged from the one extreme that such law requires no compensation, to the other that "adequate, effective and prompt" compensation must be paid.

Another subject that elicited heated exchanges was the impact of foreign investment on the economy of the host country and on its social and political institutions. While a majority of economists, joined by a few lawyers, criticized most foreign investors for not being responsive to the host society's need for economic, social and political reforms, most lawyers and corporate executives stressed the positive effect of foreign investment on the economic growth of developing countries, thereby bringing the economic and social institutions of such states into line with their political objectives. The Hickenlooper amendment was defended by some and criticized by others, as was the U.S. Government's Investment Guarantee Program.

"Nationalism," "expropriation" and "confiscation" are often used interchangeably to describe the seizure of foreign-owned property by a government, undertaken pursuant to the host country's laws, and often accomplished without "adequate" compensation. To understand the present status of the law on expropriation, it is essential to look at the development of international law in general, especially at the changes that have taken place during the 20th century in the law relating to foreign property interests.

Traditional international law was developed during the heyday of colonialism and reflects Western values. One of its primary objectives has been to encourage and regulate commercial intercourse among and between colonial powers and their colonies. Such widely accepted concepts as freedom of the sea, diplomatic and sovereign immunity, and protection of foreign private property facilitated the free flow of goods and people on the high seas and into remote colonies and insured coexistence among the imperialist powers.

However, since the Russian Revolution of 1917, the once inviolable nature of property rights has faced considerable challenge. While the Universal Declaration of Human Rights recognized the right of private property and barred its arbitrary deprivation, the alleged right is not included in the subsequently adopted international covenant on economic, social and cultural rights. Traditional international law has accordingly undergone significant changes. Several land reform programs have resulted in confiscations, an early example being the Mexican program which began in 1915. Since World War II, many governments of developing nations have invoked the principle of economic sovereignty to nationalize foreign property interests. These interests, acquired under concession agreements, contracts, or international, bilateral or even multilateral agreements, had often been granted by regimes that preceded the governments now repudiating them. In some instances, the human rights provisions of the Universal Declaration of Human Rights and other U.N. covenants dealing with the economic rights of a nation state have been invoked to justify the seizure of foreign property. The concepts of permanent sovereignty over natural resources and the inalienable right of a sovereign state to dispose freely of its natural wealth, concepts initially adopted by the U.N. General Assembly in the form of declarations and resolutions, have provided states with authoritative bases for taking over foreign property.

When under traditional international law a nation was authorized to expropriate foreign property, the legality of such an act could be questioned if the foreign investor had been guaranteed the protection of his property interests by a concession agreement or contract or under an international agreement. Other elements that in the past have had a bearing on the question of the legality or illegality of expropriatory measures include the following: (*1*) Were the measures discriminatory against the foreign interests or were nationals and foreigners treated alike? (*2*) Was the taking of the foreign property for a public purpose? (*3*)

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Were the measures taken under due process of law? (*4*) Were the measures directed at the foreign property interests in fact taken as a form of retaliation "against conduct of the state of the alien's nationality"? (*5*) Did the measures evade "the performance of valid contractual obligations"?

The 1962 U.N. resolution declaring a state's permanent and inalienable sovereignty over its natural resources affirms its right to nationalize or expropriate foreign investments. Nonetheless the U.N. recognizes that foreign investment agreements "freely entered into by, or between, sovereign states will be observed in good faith."

The celebrated Mexican expropriations of the U.S. petroleum interests in the late 1930s produced diplomatic exchanges between the two governments that are informative on the status of the law on expropriation. The Mexican ambassador asserted in his memorandum of March 16, 1940 that a sovereign nation's right of expropriation "is beyond discussion." The United States responded that the right is explicitly recognized but with a proviso that such right "is coupled with and conditional on the obligation to make adequate, effective and prompt compensation." Secretary of State Hull added that the "observance of this requirement" was in fact the factor that determined the "legality of an expropriation."

The United States has consistently adhered to this position. Socialist countries, on the other hand, have repeatedly denied its validity on the ground that, since this view represents only the value system of capitalist societies, and ignores the Socialist attitude toward property, it does not qualify to be a universally accepted norm of international law.

Many developing countries have also denounced the alleged requirement of "adequate, effective and prompt compensation." More than thirty years ago, the Mexican minister of foreign affairs asserted, in reply to Secretary Hull's note, that "there is in international law no rule universally accepted in theory nor carried out in practice, which makes obligatory the payment of immediate compensation nor even of deferred compensation, for expropriations of a general and impersonal character." But in various bilateral, regional and multilateral treaties, judicial decisions, settlements of claims by arbitration proceedings and other means, and in scholarly writing, some form of compensation is usually considered a requirement if an expropriation is not to be considered a breach of international law. The often invoked U.N. resolution of 1962 authorizes expropriation, but calls for the payment of "just compensation."

In 1967, the Organization for Economic Cooperation and Development (OECD) adopted a resolution calling for the payment of "just compensation" as a prerequisite for a valid taking of foreign property, and many international lawyers have suggested that the OECD formula is reasonable. But what is "just" compensation? Three recent examples—from Peru, Bolivia and Chile—suggest that the answer is not obvious. Under the Agrarian Reform Law of 1969, the Peruvian Government asserted that, since it did not have enough money to pay for land taken from foreign interests, it would pay in bonds whatever it considered the holdings were worth. It recognized no right of judicial appeal and many observers feel that the bonds in question are of dubious value. Peru seized properties of International Petroleum Co. which IPC valued at $190 million; the Velasco government placed the valuation at approximately $71 million and simultaneously presented IPC with a bill for $690 million, alleging that, since IPC had never been given any subsoil rights, its production belonged to the Peruvian Government.

In Bolivia, a month after the September 1969 coup, the revolutionary government of General Ovando took over the installations and concessions of the Bolivian Gulf Oil Co. The preamble to the Supreme Decree authorizing the expropriation asserts that, since Bolivian Gulf Oil "has grown into a new superstate economically and politically more powerful than the Bolivian state," the situation is "incompatible with the principles and practice of sovereingty [and] violates the dignity of the nation." The company has estimated its losses from the seizure at $150 million; a French company had appraised Gulf's expropriated assets at $101 million, and the Bolivian Government has promised Gulf compensation of $78.6 million. This offer is subject to the government's procurement of loan funds from the World Bank and other international lending agencies, for the construction of a natural gas pipeline to Argentina. Bolivia would pay Gulf out of the proceeds from the sale of gas produced in former Gulf areas near the Argentine border.

In April 1971, the Bolivian Government of General Torres canceled the twenty-year lease of Mina Matilda Corp., a company owned jointly by U.S. Steel and the Minerals and Chemical Corp., which had been granted mining concessions in 1966 by the Bolivian Government Mining Corp. The government also froze the company's Bolivian bank accounts, it being assumed that the valuation a government commission placed on expropriated assets would be considerably lower than the company's claim.

In accordance with the policy in 1966 and 1967, Chile acquired 51 per cent interest in subsidiaries of Kennecott and Anaconda, which assured the government control over pricing and marketing. However, that arrangement was considered unsatisfactory by the main rivals in the 1970 electoral campaign—the Christian Democratic Party and the Popular Action Front—both of which favored nationalization. After the elections, Dr. Salvador Allende Gossens submitted to congress an amendment to the constitution which was unanimously approved and promulgated on July 15, 1971. It declares that the state possesses "absolute, exclusive, inalienable, and imprescriptive" ownership of all mines. It lays the conditions for nationalization and specifies the measure of compensation, allowing the deduction of "excess profits." In addition, it provides that special contractual arrangements between the government and private parties "may be amended or canceled by law should the national interest so require." The comptroller general will determine the compensation, to be based on the companies' book value as of December 31, 1970, minus several deductions including "excess profits." A special tribunal is to decide appeals from decisions on compensation.

The government then took over the mines, and in September 1971, President Allende issued a decree on the excess profits of Anaconda and Kennecott retroactive to 1955. Since the excess profits, valued at $774 million,

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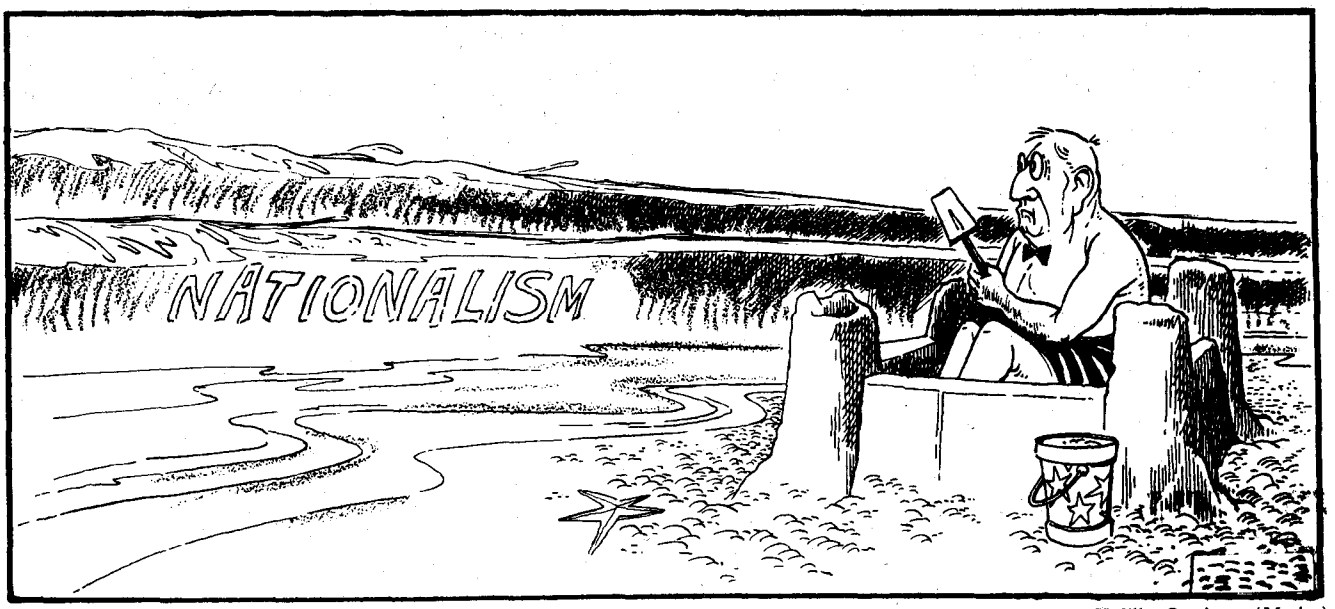

Vadillo, Ovaciones (Mexico)

and other charges against the companies exceeded their book values, Chile considered that it owed no compensation. The President's order on excess profits is subject to no appeal.

It is obvious from these examples that there is no international standard whereby "just compensation" can be measured. What has been the U.S. response?

The former U.S. policy of wielding a big stick to protect the property of its nationals abroad is no longer feasible, much less desirable. However, in addition to taking diplomatic measures, and relying on the informal sanctions of reciprocity and retaliation, the U.S. Senate formalized its response to expropriations in what is known as the Hickenlooper amendment to the Foreign Assistance Act of 1961.

Under that amendment, the President is directed to withhold aid authorized under the Foreign Assistance Act from any country which has confiscated any property owned by U.S. nationals, or has otherwise discriminated against such owners. Only once has the amendment been invoked—against Ceylon in 1963—but Secretary Rogers has threatened to use it in the Chilean case. Earlier, the threat was made against Peru, but it was never implemented.

While some businessmen and lawyers contend that the amendment could act as a deterrent if the chance that it would be applied were to be taken seriously, the contrary assertion is that it will not be taken seriously because Washington has come to realize that in Latin America it can ill afford the consequences of economic sanctions. The U.S. warning that it would cut off aid to Chile if compensation were not paid helped President Allende to alienate Chilean public opinion still further from the United States.

Another U.S. response has been the Investment Guarantee Program, in operation since 1948. Under the program, the government, through an agency or corporation, enters into contracts that guarantee the investments of firms against certain political and commercial risks. The newly established Overseas Private Investment Corporation (OPIC), with insurance reserves of $115 million and paid claims of $4.2 million, insures investments in countries which have signed bilateral investment guarantee agreements with the United States. The corporation derives income from premiums paid by the firms it insures. OPIC faces potential claims in Chile of $236.5 million.

The program has been criticized for its tendency to increase tensions between the United States and capital-importing countries, for the indications are that it stimulates wanted U.S. investment even in countries that resist "foreign economic domination." There is evidence that some Latin American countries resent this program on the ground that they have been coerced to sign investment guarantee agreements with the United States, and they perceive such measures as another form of "Yankee intervention" in their internal affairs.

The future of U.S. private investments in developing countries, especially those in Latin America, seems at best uncertain. U.S. properties expropriated since the beginning of 1969 are valued at approximately $2.5 billion. Economic relations with Latin America will be further strained by the recent wave of restrictive foreign investment laws enacted in several countries, including those adopted by the Andean Common Market countries—Bolivia, Chile, Colombia, Ecuador and Peru. The restrictions put into effect in 1971 by these Andean countries are known as the "Common Regime of Treatment of Foreign Capital and of Trademarks, Patents, Licenses and Royalties." OPIC reported in December 1971 that in the second quarter of 1971, only $8 million of new investment was insured in all Latin America, as against "an average level of $100 million for each quarter of the preceding four years."

Some economists fear that the trend, seemingly irreversible, may delay the economic growth of the developing countries, since they need heavy dosages of foreign capital. But economists from the developing countries disagree, contending that economic dependence is as harmful as political dependence and that developing countries should prize their economic sovereignty as dearly as they do their political independence. They assert that the traditional

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theories of development are being discredited every day. Instead of wooing private capital, whose interests may be at variance with national interests, developing states are turning to multilateral international arrangements. This preference is to be seen in the demands of developing countries made recently at the U.N. Conference on Trade and Development in Santiago.

Some developing countries are likely to accept aid through multilateral institutional arrangements. Others might permit foreign private capital to participate but with severe restrictions. Certainly, the future relationship between those developing countries that permit foreign investment and private concerns with capital to invest must be consistent with the major objective of several developing countries, which is to achieve development without economic dependence. The ideal relationship will be that of an equal partnership designed to produce mutual benefits. □

DISPOSSESSED AND UNLOVED

THE YOUNG ASSASSINS

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To most Americans watching television on May 15, the attempt on the life of George Wallace brought back some distressing memories. "A young man with close-cropped blond hair stepped from the crowd," is what we were immediately told. A young man! We knew, of course, that he would soon be identified, that newsmen, police and TV cameramen would race off to the place where he lived to find out just what manner of man he was, what made him tick. But most of us didn't need to wait for the answer. We already knew who he was because we had seen him before. Essentially, Arthur Bremer (who has, of course, entered a plea of not guilty) would be the same sort of man as Lee Harvey Oswald, although to be sure there would be superficial differences in their personalities.

But what sort of young man is that? We knew from the outset what evidence would turn up—that he would be one more lonely misfit working by himself, rootless and adrift in the world; no member of a secret society, no conspirator; that if he held a card in one or another political organization, the fact would have little bearing on the case; and that the attempt to pin the man down to some idea or ideology would be futile and illusory.

In the weeks since the event, mountains of information have been collected about the suspect. The psychologists have gone to work on him, and from a psychological perspective the parallels between Bremer and Oswald are striking. Both were mentally unbalanced, of course, if not in the narrow sense defined by the McNaghten Rules, still not very far outside those rules. Both were of low (but not defective) intelligence, both came from home enviroments that were culturally and socially impoverished, both had, to use the language of the psychologists, traumatic interpersonal relationships, both were obviously mother-dominated in the worst sense of the word—dominated harshly and unfeelingly by mothers who themselves were low in intelligence, poorly educated and apparently none too stable.

Of the two, Oswald was somewhat more aggressive and outgoing in his relations with people, but there is certainly a close similarity in the patterns of their intellect and life style. Both were under strong pressures to realize themselves somehow, both were players with ideas—thinkers. (Bremer even fancied himself a writer.) They had a large number of ideas floating around loosely in their heads, but lacked the intellectual resources and stable personalities to bring these ideas into focus. So the ideas merely fought with one another, remaining in flux, never settling into any kind of permanence or logical pattern.

Nothing is more perfect proof of this than Bremer's strangely ambiguous and inconsistent attitude toward George Wallace. He had a Wallace sticker on his car and on the door of his apartment, and in early May volunteered his services to the Wallace campaign headquarters in Silver Spring, Md. At the same time he began stalking Wallace, undoubtedly with the intention of shooting him. And back in his apartment in Milwaukee were those scraps of paper which so clearly attested to the failed equilibrium of his mind: "Happiness is having George Wallace sing the national anthem, or having him arrested for a hit-and-run accident."

Undoubtedly psychologists can tell us much about the likes of Arthur Bremer, or Lee Harvey Oswald, or Sirhan Sirhan. Surely there are technical terms to describe them exactly, and case histories can document the progressive deterioration of their mental constitutions. But even with this wealth of information at our disposal, the question lingers and continues to nag: who are these strange young men and what impels them toward their acts of violence? And why do they keep cropping up in our society? Unfortunately we cannot reach the answer by piling up the psychological data on the men themselves; nor can we be content with the very general explanation that has been voiced time and time again in sermons and editorials —that we are a sick society, a violent society, a society that breeds sickness and violence in individuals. In the end, the moralizers have even less to offer us in the way of total insight than do the psychologists. Yes, it is true that Oswald and Bremer were misfits, somehow broken by society, that their specific kind of mental imbalance seems to be indigenous to our country, that they are misshapen products of American life. But still, why? Why do we breed Oswalds and Bremers? By what strange mechanism are they produced?

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Neither a simple nor a complete answer to this question is possible, and there is no sense in pretending otherwise. But let me take another pass at the problem from a slightly different angle. I think it is possible to see Oswald and Bremer as victims of certain forces at work in our society that are not precisely duplicated in other societies, and which probably did not pertain in ours fifty years ago. Oswald and Bremer are, I believe, to a large extent victims of a kind of social immobility and inflexibility which we scarcely recognize in ourselves because only a small minority of people are victimized by them. However, the Oswalds and Bremers are exactly the types who are.

But social immobility? Surely that is not a problem in a society where educational advantages are so great, where the plumber's son may and does go into medicine. If ever there was a fluid social structure, we have it here and now. And so we do, and we extend it to all people—in theory. But for those few who, for one reason or another, are not able to take advantage of this fluid social system, life in America can be a painful and traumatic experience, quite capable of twisting the mind and spirit. Quite unlike average adolescents, the Bremers and Oswalds have no real mode of entry into the world, have no real access to the affluent society. They may well dream—indeed we compel them to dream—of the possibilities and fruits of upward mobility, but they have no hope of ever attaining it. Because they lack certain intellectual and personal resources, they are condemned to pit themselves against a system of education and a society that can result for them only in mind-shattering frustration. There is probably no time in life when frustrations of that kind are more brutal and threatening than in adolescence, and one of the most obvious facts about our political assassins of the last ten years is that they have mostly been late adolescents who have reached the stage in their lives when they must acknowledge that the full estate of manhood is going to be denied them, that they will be condemned to failure in the eyes of the world.

This matter of adolescence is worth pursuing a little further. What do we know about the adolescent metamorphosis? We know that in our society it is traumatic under the best of circumstances and in the best of homes. Indeed, there is good reason to think of it as being largely a time of stress, strain and mental imbalance. If this stage of life is not treated by textbooks of psychiatry as a kind of mental illness, one suspects it is only from a kind of courtesy to the race. After all, if it is a kind of madness, it is a temporary one.

But in our society a good number of people become severe casualties of the stresses and strains of adolescence —especially those who must hurl themselves against a system of compulsory education, the demands of which they can never hope to satisfy. The main characteristic of the adolescent years in our society is that it is a time of compulsory tasks, a period when one must jump a prescribed number of hurdles. Always there is pressure—pressure ceaseless and unremitting. There is the pressure to get through high school ("You've got to pass math," "Don't forget to come home with all Bs,"), pressure to get through college, or even through law school. Of course the hurdles are arranged so that they can be gotten

over relatively easily by the masses, but one dare not trip, one dare not fall behind.

That is the crux of the matter. For the upwardly mobile majority, our system of compulsory education presents a series of mild harassments that must be overcome—one must pass math, one must get good grades, one must get into college, one must do this and do that. The young have ingenious devisings for striking back at parents and preceptors who thus prod them like sheep—they adopt strange modes of dress, let their hair grow, demonstrate, flaunt a new morality, and so on—but while they strike back, they still go over the hurdles as required.

Incidentally, the main reason for the bizarre and outlandish behavior of adolescents is not that we Americans are overly permissive with young people (a belief widely held both here and abroad) but on the contrary because the young are reacting to a system that is largely carried on rigidly, mechanically and, above all, in a compulsory manner which leaves very little room for freedom of action. The permissiveness so often mentioned pertains to the periphery of adolescence, not to the inner core. Still, the slack, the play, at the periphery is necessary and probably desirable, because it makes the harsh game of education and conformity bearable—for most.

But for those who really can't get over the hurdles, adolescence is not a period of mild harassment but one of tragic frustration, of a slowly awakening realization that the future holds nothing for them—that the road to success, to achievement, to power and affluence, is closed. Nevertheless, they, too, are prodded; they, too, know what

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is expected of them and what is the promised end. Then in time, it dawns on them that they can't really make it over the last hurdle, that the pot of gold will never be reached.

Consider Arthur Bremer. He was by no means mentally defective (perhaps it would have been better for him if he had been, for the demands made on him would long ago have been scaled down). His IQ was revealed to be 106, and a great many people with an IQ of 106 make perfectly satisfactory adjustments to life; many even get through college with no better equipment. But Bremer's marginal intelligence, combined with his injurious home life and weak cultural and social background, made him a poor candidate for our highly rigid educational process. Still, compelled over the hurdles he was. The news media released the report card of his senior year in high school—two Cs and three Ds in standard academic, college preparatory subjects. (What was Arthur Bremer doing taking "advanced math" and "sociology" at the age of 18? We know the answer: he was being tormented, browbeaten by these courses.) We even know that Bremer started the run through college, although he soon dropped by the wayside. All along there was the accompanying illusion that his education would pay off, that he would be somebody some day—a photographer, perhaps. Or a writer! (A copy of *Writer's Yearbook* was found among his possessions.)

But the year of Bremer's life before the assassination attempt must have been one of progressive realization of personal failure, of awareness that the great promise of American life was going to be denied him. College didn't work out. Neither did romance—his 15-year-old girl friend abandoned him. His jobs as janitor and busboy, while well within his capacities, must have been forceful reminders of his ineffectiveness. The months preceding the great act of violence with which he is charged must have been a time of mental and spiritual collapse for Bremer. He was literally driven mad by his failure—mad at least in terms of any common-sense understanding of the term.

Still the question remains, why the attempt to assassinate Wallace? We now know that it might just as well have been Nixon, or McGovern, so the question resolves itself into, why assassination? The answer is to be found in the contemporary American style of adolescence. Another distinctive trait of our kind of adolescence, as has become especially obvious in the past fifteen years, is its infatuation with symbolic acts of protest, with confrontation, with involvement, with immediacy. Much of this confrontation is mindless, perhaps one should say compulsive. But it is extremely important to the adolescent, and probably contributes to his mental balance, making the endless jumps over the educational hurdles endurable.

One must keep in mind, however, where this style of adolescence comes from. If Marshall McLuhan is correct, the present generation is largely tuned out to literate values, to linear detachment (probably because these values are pressed so hard by the educational establishment) and seeks instead the kind of immediate experience, the kind of "doing one's thing," to be seen on the TV screen. The adolescent wants to be—and right now—where things are happening, and we deny him this privilege only at our peril. Television being the main educational instrument in the lives of the young today, educates in conformity to television culture and television mentality. (This is likely to be especially true of underachievers in the traditional system—of the Arthur Bremers of the land.) And exactly what kind of medium is television; what central lesson does it teach? The television screen is small, it can hold only so much, so everything just off the screen is darkness, oblivion. For all who are hammered into existence by the educational medium of television (most of our population born after 1950), life means immediate involvement, presentational acts brought into sharp and narrow relief. Anything less than that—or any far-distant goal—is somehow not associated with life, but with the stale process of meaningless hurdling.

For Arthur Bremer, alien from the youth culture, differing from his contemporaries in every respect save desire and the shared education of television culture, the opportunities for involvement were severely limited. The kind of mild confrontation and needling of society that can satisfy his soon-to-be-successful peers was denied him. Violence was really about the only opportunity open to him, the only thing in fact that could bring him front and center. Admittedly there are thousands of young people in the United States with backgrounds not very different from that of Arthur Bremer, and most of them will probably not turn to attempted assassination. We cannot say specifically, in casual terms, why Bremer did. But surely in Bremer the destructive ingredients were all present: the compulsion to immediate involvement at stage center, the mental instability, the social and educational failure, all of which, together, quite easily point to a specific lethal result.

Arthur Bremer, it seems to me, is a product unique to our age and our society. Doubtless the same boy, with no better mental endowment, could have made a far less traumatic adjustment to life at some earlier time in our history. One hundred years ago, in a rural rather than an urban environment, Bremer would have had far more realistic goals set for him, would not have had to throw himself futilely against an educational system that was designed for someone else, would have settled more smoothly into an occupation that could have put his limited talents to good and perhaps even comfortable uses. But in an urban, high-pressure, success-oriented society, where they are compelled to express themselves in presentational acts, the Arthur Bremers of the world are in desperate circumstances. Quite unhappily, we know that there are many people of this kind, cut off from the mainstream of American life—dispossessed and unloved—and that it is more than likely that we shall continue to hear their outcries in the years to come. □

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LAW AND SLAUGHTER

QUICK TRIGGERS IN NEW MEXICO

JAMES ROWEN
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Santa Fe

Among the many demonstrations that spread across the country when President Nixon mined the North Vietnamese harbors, those staged by University of New Mexico students in Albuquerque were comparatively mild. For two days, highways were intermittently blocked, a few windows were broken, and some "set-piece" skirmishes occurred between rock-throwing students and tear gas-hurling policemen—incidents of the sort that most police departments have learned to handle as routinely as rush-hour traffic. The Albuquerque demonstrations were less noteworthy than the melees at Berkeley, Minneapolis and Madison, Wis., except for one detail: the Albuquerque police shifted from tear gas to "crowd control" with shotguns, and wounded at least twenty persons. Local hospitals treated that many, but one hospital administrator estimated the total, including those not requiring hospitalization, at sixty-five. One woman, a reporter for the UNM *Lobo*, is still recovering from surgery to remove upward of sixty shotgun pellets from her face and chest. All in all, the shootings were by far the worst spasm of official violence since the Kent State killings two years ago.

To outsiders, the Albuquerque shootings probably appeared inexplicable, but New Mexicans weren't surprised that the *only* anti-war protesters shot anywhere in the nation fell in the streets of their largest city. The shooting of young people by New Mexico law-enforcement officers has become so commonplace that it indicates the collapse of reasonable, peaceful law enforcement in the critical area of the use of potentially deadly force. In the past year, six persons have been killed by police officers under outrageous circumstances in this sparcely populated state, and the mass wounding of the anti-war protesters has upped the state's casualty toll.

This unregulated use of firearms has been tolerated, even tacitly supported, by the state's young attorney general, David L. Norvell, who, because he has been a vigorous foe of the war in Vietnam and environmental pollution, is classed as a liberal Democrat. Nevertheless, he has steadfastly refused to prosecute any of the police officers involved in the incidents. And there is evidence that the Democratic Party's liberal wing basically concurs with Norvell's *laissez-faire* approach to the taking of lives by the state. The deportment of policemen and police departments is a controversial subject these days, and support for police actions is at the core of the entire law-and-order issue. In New Mexico, liberals, usually found in the forefront of struggles for orderly justice and protection of civil liberties, are lining up on the conservative, "the police-department-can-do-no-wrong," side of the issue.

The current spate of shootings began on April 23, 1971, when a long-haired 22-year-old youth was shot and killed in the south-central mountain resort village of Ruidoso, following a bizarre series of events. Paul Green had been living with a young woman out of wedlock. Her mother informed the authorities of the relationship, and they arrested the couple for "lewd cohabitation." When sentenced to a harshly punitive, unheard-of thirty days and $100 fine, Green ran from the jail, and was killed in the street with a bullet in the back of the head fired by a town policeman. The officer claimed that what he had fired was a "warning shot." A local grand jury refused to prosecute, especially since the town's mayor and business community had already arranged a fund-raising "Day" in the officer's honor. The area district attorney recommended against further legal action, so "that the state of New Mexico should not be put to the additional expense of pursuing prosecution." Norvell agreed. No charges were filed.

A month later, in the northern art colony of Taos, three youths were in jail, awaiting trial on a burglary charge. Another prisoner somehow got possession of a cell block key, and "sold" it to the trio, who let themselves out of unattended jail late at night. The next morning, May 21, a deputy sheriff, armed with rifle and pistol, cornered 20-year-old Felipe Mares on the city dump, and killed him with a shot in the face. First reports told of a "hand-to-hand struggle," conjuring up images of the desperate battle for Iwo Jima. Later, the deputy, a stocky 6-footer, said that Mares, who was 5 ft. 7 in., had swung "a board" at him, striking his rifle which discharged in the victim's face. The local D.A. ruled the killing "an accident"; no grand jury was called to investigate the incident; the attorney general filed no charges. It was another "justifiable homicide," and a pattern was emerging.

The scene of the bloody chronology shifted to Albuquerque in mid-June, where long-accumulating complaints of police brutality spilled over into the city's first major civil disturbance. For three days, groups of young Chicanos and Anglo students broke store windows, fought with police, and committed acts of arson and looting. Hundreds of persons were arrested, and eleven persons suffered gunshot wounds when police cleared a park of rock throwers with a volley of gunfire.

At one point in the rioting, the lieutenant governor and Attorney General Norvell spoke at a rally, and the latter was misquoted on some harmless remarks about police brutality. The state's major paper, the conservative *Albuquerque Journal*, blasted Norvell for "incendiary remarks" and inferred that he was partially responsible for the rioting that had continued after his speech to the protesters. This intense political roasting, many feel, taught Norvell, who was already gearing up to run for the U.S. Senate, that criticism of the police—or even the appearance of criticism—was bad politics in the Land of Enchantment.

As the Albuquerque rioting ebbed away, but with the wounding of eleven persons still fresh in the public mind, Gov. Bruce King met on June 16 with the three-man New Mexico Supreme Court. A half hour after that

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meeting, the Supreme Court justices issued an extraordinary, quasi-legal proclamation: "No law-enforcement officer who discharges his duties ('to maintain and restore peace, order and tranquillity promptly and efficiently') in this fashion need fear this Court or any inferior to it." Taken together—the court's issuance of 007 licenses to kill, the previously unprosecuted killings, and the attorney general's political wounding at the hands of the most influential media voice in the state—the stage was set for the next inevitable shooting. It came only six days after the court had said that no policeman would be punished for doing his job, no matter how.

Three youths (participants in a drug rehabilitation program) were caught attempting to burglarize a Santa Fe drugstore safe which contained the city's methadone supply. The suspects were handcuffed, but one youth broke away from the arresting officer. Eyewitnesses reported that 19-year-old Roy Gallegos was running directly toward another group of lawmen, but a Santa Fe police officer drew his revolver and put a "warning shot" in Gallegos' head, killing him instantly. Again, a local grand jury ruled it "justifiable homicide," and the attorney general, not wanting to appear "soft" on law and order, refused to file any charges. With the whitewashing of the Gallegos case, it became clear that all restraints against the use of deadly force and summary execution had been dropped by New Mexico authorities.

But just how far police officers would be allowed to go was dramatically demonstrated to a horrified public early on the morning of January 29, 1972. On that day, two Chicano Black Berets (an Albuquerque radical barrio organization) were scheduled to appear on a statewide television program, *What's the Word?*, to discuss police brutality and the state penitentiary. Antonio Cordova was an investigative journalist and former press relations man for the New Mexico House of Representatives; Rito Canales was a recently paroled state pen inmate. Both had reportedly prepared startling, documented brutality charges against ranking police and penitentiary officials. The two Berets, each 29, never appeared on the program. At 12:50 A.M. on the 29th, they were riddled by police gunfire on a lonely mesa 10 miles south of Albuquerque. The police said they had surprised the pair trying to steal dynamite from a highway construction project on top of the mesa.

Police reported that on the basis of an informer's tip, six state and city police officers staked out the construction site, with some of the squad concealed behind a bulldozer. Cordova and Canales allegedly tried unsuccessfully to cut the dynamite shed lock, and were ordered to "freeze" by the police. Cordova was said to have fired a

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carbine at the officers, who cut him down with a burst of gunfire. When Cordova reportedly moved, a second cross fire killed him. In the meantime, Canales, although wounded by the first volley, had jumped over a 20-foot cliff, and was spotted crawling up an embankment 120 yards from the scene when the officers sent a fatal hail of bullets into his back. Autopsies showed nine bullet wounds in Cordova's body, six in Canales'.

The police waited twelve hours before notifying newsmen that the shootings had occurred. The delay was ordered by state Police Chief Martin Virgil, because he "didn't want conflicting reports coming out about the shooting," according to the *Albuquerque Tribune*.

This double killing enraged many segments of New Mexico's population, from radical organizations to conservative Chicano groups. The incident was denounced on the floor of the New Mexico Senate. Many unanswered questions remained: Did the two Berets really try to steal dynamite on the very day they were set to make important revelations about the state penitentiary on statewide TV? Were they the victims of a police conspiracy? Where was the pistol the officers swore that Canales was carrying? (It was never found.) Why was there so much shooting, especially aimed at the already wounded Canales, who was trying to flee the scene, and presented no threat to the assembled officers? And why did the police wait twelve hours before releasing information about the affair to a usually sympathetic Albuquerque media?

The local D.A., however, was quick to exonerate the police officers. "What do I give a shit if 15,000 shots were fired?" testily snapped Alexander Sceresse at an inquiring *Washington Post* reporter. "They were fired upon after they got fair warning. Those guys have a right to defend themselves. Some of the shots may have been superfluous," the D.A. generously conceded, "but you can't get much deader than dead."

Yet the incident looked so badly botched that even Sceresse's Wild West defense of the lawmen couldn't stem growing public criticism. The Albuquerque City Commission asked Governor King to order a state investigation. The attorney general was directed to look into the case, and his report was released three months after the killings. The chain of whitewashings remained unbroken.

In a series of tortured rationalizations and contradictions, the attorney general announced his predictable decision not to file any charges against the officers who killed the two Berets. The report first declared that Cordova's slaying was justified because he had allegedly fired a carbine at the officers. But the killing of the fleeing Canales, Norvell lamely wrote, "is more problematic." For one thing, police officers may not shoot at an escaping suspect unless he has committed a felony, and Canales had committed only a misdemeanor, attempted burglary. But Norvell then stated that the officers at the scene were justified in shooting Canales since they "had probable cause to believe Canales was conspiring with Cordova to commit the felony crime of burglary. Conspiracy to commit a felony is itself a felony. Thus the police had reason to believe that Canales was a fleeing felon."

The attorney general's report also noted, without comment, that "Canales was moving on all fours," not exactly a dangerous posture, when he was killed by shots from three officers' weapons. One policeman (unnamed, as are all the police in the official report), "placed the cross-hairs of his scope on Canales' chest," according to the attorney general, "and shot to kill. Canales stopped moving." That is a justifiable homicide in the state of New Mexico.

In addition, the report omits the number of gunshot wounds found in the victims, and also omits the astonishing fact that the officers were permitted to bring and use their personally owned firearms. The overkill arsenal used against the pair included sawed-off .12 gauge shotguns loaded with 00 buckshot, an M-1 carbine, a .243-caliber deer hunting rifle, and an Armlite .223 caliber AR-180 semiautomatic, the civilian equivalent of an M-16 rifle. The shootings had all the earmarks of vigilantism.

The report also came to the staggering conclusion that because the victims were shot so many times with so many different types of ammunition, "it would be extremely difficult to prove which of the officers' guns did fire" the fatal bullets. "The only charges which could probably be filed," the attorney general concluded, "would be aggravated assault, a fourth degree felony." One could reasonably speculate that if six militants had pumped fifteen slugs into two police officers, all six, if captured alive, would be charged with two counts of first-degree murder.

Finally, the attorney general argued that since prosecution of the police would be difficult, "the officers and the state" should be spared the burden of "excessive litigation." Again, as in the Green case, the first in the series of shootings, the state applied a cost/benefit standard of justice. If two bullet-ridden corpses don't rate legal action, one wonders how vicious the crime would need to be in order to be thought "worth" prosecuting.

The arguments embodied in the attorney general's report on the killing of the two Berets revealed the depth of the law-enforcement crisis in New Mexico. Simply stated—no one is willing to police the police. And the whitewashing of these incidents has not been accomplished by reactionary officials, as was the case at Kent State, nor by blatant racists, as occurred at Orangeburg, S.C. and Jackson, Miss., but by the leading "liberal" of the party in power.

Attorney General Norvell is currently a front-running candidate for the U.S. Senate seat being vacated by retiring Sen. Clinton Anderson. At its May caucus, the Democratic Party's rump group, the New Mexico Democratic Council, endorsed Norvell by a more than two-thirds margin. At the same meeting, which I attended, a Supreme Court candidate specifically criticized the Canales killing in his appeal for the group's support. His remarks drew silence, and his candidacy gained no endorsement. Again the lesson: criticizing the police is bad politics. The usually vocal liberals have caved in on law and order in New Mexico.

Noting that Antonio Cordova was a well-known investigative reporter, several writers have begun dropping their bylines from stories which poke into police business and incidents. Thus all the elements of this sad story have about them the decaying smell of a police state: unrestrained police shootings, with prosecutors looking the other way; courts publicly granting immunity from prosecution, *in advance*, to officers who use their guns; normally vigilant liberals falling silent; and reporters intimidated into anonymity. It is scarcely paranoid rhetoric to state that democracy is being gunned down in New Mexico. □

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CONFORMITY AS 'CHARACTER'

THE XENOPHOBIC BAR

JEROLD S. AUERBACH
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Last February a special committee of the American Bar Association proposed an examination for law students "to identify those significant elements of character that may predictably give rise to misconduct in violation of professional responsibilities." It also urged bench and bar to intensify their efforts "to root out the *known* . . . character risks already engaged in the practice of law."

There is a venerable tradition of professional concern with character, but anyone familiar with the history of the American legal profession knows that this anxiety is episodic. It emerges during periods of national stress when professional elite groups are upset by the swift pace of social change, by sharp challenges to the *status quo*, or by what they perceive as rampant lawlessness and disorder. Since the turn of the century professional anxiety has been assuaged by attempts to purge the bar of its undesirables with canons of ethics, more taxing educational requirements and bar admission standards, loyalty oaths and character examinations. All share a common objective: to exclude or to anathematize those whose ethnic origins, religious backgrounds or political commitments are distasteful to establishment lawyers. Today again—as early in the century during the Red scare after World War I and in the McCarthy era—the legal profession equates character with conformity and, by so doing, practices politics under the guise of preserving professionalism.

One year ago the Chief Justice of the United States spoke harsh words to lawyers who had the temerity to defend unpopular defendants and to law students audacious enough to believe that law might serve as a vehicle for social change. He excoriated "a tiny fragment of reckless, irresponsible lawyers" for their disruptive activities and he urged law teachers to inculcate in their students "good manners, disciplined behavior and civility"—euphemisms for good character. The current ABA proposal, if adopted, would implement the Chief Justice's wishes by banishing "character risks" (progeny, no doubt, of the "security risks" who haunted Sen. Joseph McCarthy) from the profession.

The failure of the American Bar Association to define "good character" is not, for its purposes, as fatal a defect as it might seem. History provides ample definition. In 1908 the ABA, then a genial society of gentlemen lawyers disheartened by the transformation of their nation into an urban industrial society heavily populated by immigrants, promulgated Canons of Ethics. The canons stigmatized low-status urban lawyers from ethnic minority groups whose scramble for clients and cases had thrown the onus of unethical behavior upon the entire profession. A prohibition against advertising reminded lawyers that success flowed from their "character and conduct," not from aggressive solicitation. It thereby rewarded the lawyer whose law-firm partnership and social contacts made advertising unnecessary at the same time that it attributed inferior character and unethical behavior to attorneys who could not afford to sit passively in their offices, awaiting clients. Another canon prohibited lawyers from indicating publicly that they engaged in specialty practice. That, too, extended advantages to the firm with a reputation among corporations, while it penalized the solitary lawyer who specialized in negligence work yet could not publicize his expertise. These distinctions, and others like them, were not accidental. They sanctified the professional activities of lawyers in homogeneous small towns and in metropolitan law firms. They penalized the Jewish or Catholic neophyte in a large city, who either hustled or starved and whose behavior was unethical because Protestant lawyers in bar associations so defined it.

Nowhere was this disparity more striking than in professional concern with contingent fees and "ambulance chasers." The contingent fee arrangement served the needs of two groups: personal injury victims, usually industrial workers, who could not afford lawyers' fees; and negligence lawyers, usually ethnic minority group members, who could not afford to donate their services. The gambler's chance provided by a contingent fee offered the injured victim his only hope of recompense, at the cost of one-third of what he recovered. It also offered the negligence lawyer a sufficiently high fee in his successful suits to compensate for his unsuccessful ones. Little wonder, therefore, that only the *contingent* fee was singled out by the canons for judicial scrutiny. Court supervision was justified to protect clients against ambulance chasers and shysters who solicited business too diligently and who gambled upon its outcome. The contingent fee was blamed for attracting undesirables—those lacking good character—to the legal profession. They were criticized for speaking English improperly (many were recent immigrants) and for their aggressiveness (many were Jewish). Ambulance chasing was never precisely defined. As with good character, its definition emerged from its unerring application.

Canons of Ethics might have been thought to provide reassurance that most lawyers were professionally responsible and personally honorable, but they proved inadequate as instruments of exclusion. Once the flood tide of immigration had deposited alarming numbers of the foreign-born and their children into the legal profession, more stringent means were proposed. An earlier professional commitment to easy access to the bar was reconsidered. With the urban bar growing rapidly, and with immigrants and second-generation Americans accounting for a disproportionate share of this growth, bar associations were attracted to higher educational standards and restrictive bar admissions requirements as screening devices. Im-

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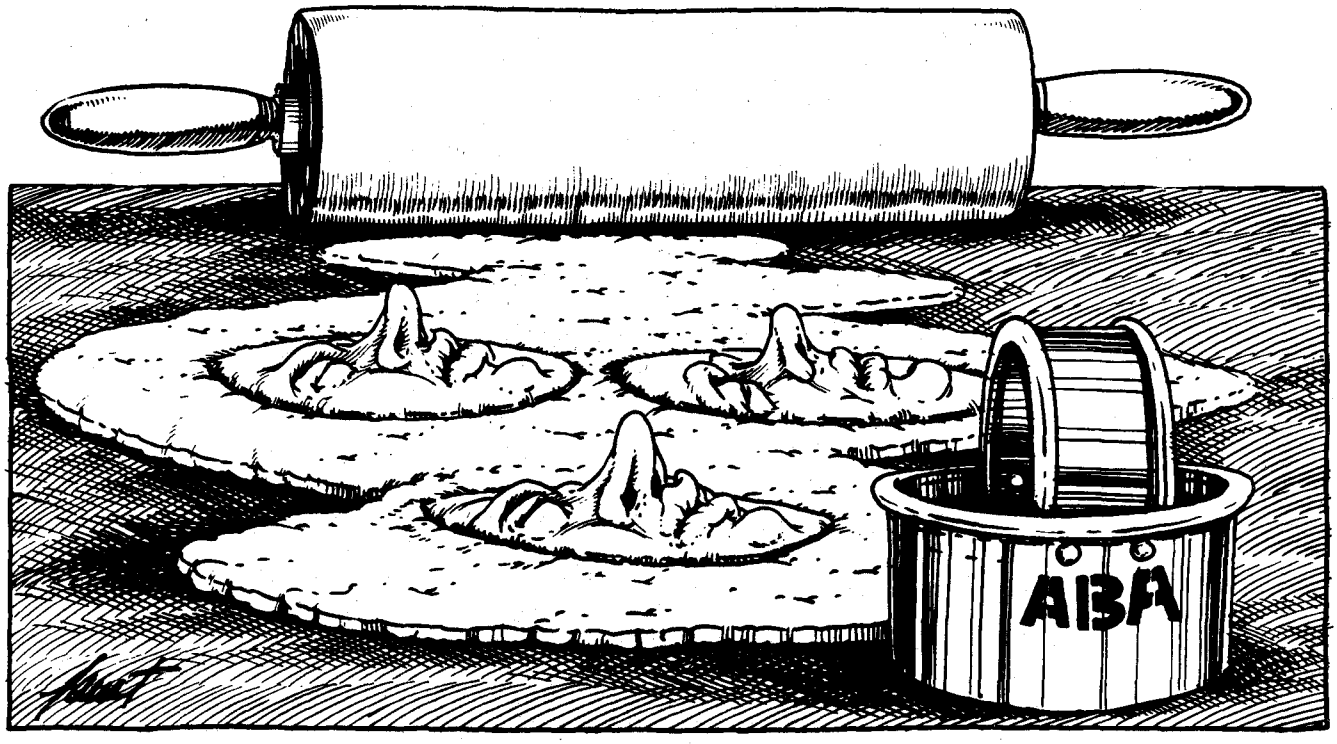
migration made restricted access desirable; the Bolshevik revolution and the postwar Red scare made it urgent.

As tens of thousands of lawyers with foreign names poured into the legal profession from night law schools, bar association members developed a siege mentality. They deprecated the influx of foreigners and warned one another of the undesirable "characteristics and methods" of the newcomers. Eastern European immigrants, "with little inherited sense of fairness, justice and honor," threatened Anglo-Saxon institutions. In the ABA, which earlier had approved a resolution excluding aliens from the profession, a committee proposed closing the doors "through which many an ill-prepared, unfit and improperly educated man" could enter the profession. Tenement dwellers from the lower East Side must not be permitted to usurp places once reserved for Kentuckians who had studied Blackstone by candlelight.

In 1920 the ABA authorized a committee to determine how best to "strengthen the character" of professional aspirants. It proposed that two years of college, three years of full-time law study, and a fitness examination be required. Chief Justice William Howard Taft enthusiastically justified these measures as necessary to save society from "the incompetent, the uneducated, and the careless, ignorant members of the bar." At a time when barely 5 per cent of American children finished high school and college, and when ethnicity, class and family status were primary determinants of educational opportunity, Taft's adjectives could have referred only to ethnic minority group members, especially to upwardly mobile Eastern European Jews.

Prompted by the ABA, one state association after another during the 1920s considered solutions to the problem of "overcrowding," a value-laden judgment which vividly expressed the cultural claustrophobia of members toward the foreign-born. No state devised a more invidious purgative than Pennsylvania. Philadelphia lawyers, products of a rigid urban social structure, viewed with distaste a particularly high influx of foreign-born Jews into the profession. As one attorney confessed, the goal was to keep the bar "clear and clean." Men whose character "disposed them to commercial interests" must be excluded.

The Pennsylvania solution was a preceptorship and registration system requiring every prospective law student to secure a preceptor with five years of experience in practice who would agree to provide him with a six-month clerkship upon his graduation from law school. But even before being admitted to law school, a student would be interviewed by his county board of examiners to determine his character and his fitness for a profession he was three years away from entering. In fact, the examination (like the preceptorship arrangement) measured neither character nor fitness but background and ethnicity. The plan placed a premium upon social standing, family connections, and upon those personality traits deemed desirable by examiners who were unrestrained in their power to screen candidates through their own prejudices. Since the critical decisions were made before a candidate entered law school, no record of excellence there was permitted to overcome the handicap of inferior social origins. Within a year of its adoption, Philadelphia lawyers were congratulating themselves for their success in excluding "Russian Jew boys" from the bar. In subsequent years blacks, rather than Jews, were eliminated. Indeed, not a single black was admitted to the Pennsylvania bar between 1933-43, according to a recent Philadelphia Bar Association study. Although this record of perfection was impossible to maintain, evidence as recent as two years ago (shortly before the preceptorship plan was abolished) indicated that racism still accounted for the grossly dis-



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proportionate percentage of blacks who failed every examination.

In these early attempts to make the legal profession safe for good character, political affiliation mattered, but it was presumed to derive from ethnicity. Most immigrants were not radical, but since many radicals were immigrants, bar association members did not concern themselves with fine distinctions between national origin and political conviction. It was sufficient that new immigrants overtly threatened the social base of the profession; their threat to the political stability of the nation remained implicit.

The cold war reactivated stress within the legal profession. Prior obsession with cultural unity yielded to explicit demands for political orthodoxy. Unpopular defendants found it difficult to obtain counsel. Lawyers who braved the winds of conformity lost clients and suffered contempt citations and threats of disbarment. The House Committee on Un-American Activities cited the National Lawyers Guild as the legal bulwark of the Communist Party. Atty. Gen. Tom Clark urged bar associations to take lawyers for unpopular causes to the "legal woodshed." The ABA eagerly complied. An editorial in its journal, warning of "forces of disorder and disruption," demanded "plenary measures" to insure domestic tranquillity. The ABA responded by recommending that any lawyer who was a Communist, who advocated "Marxism-Leninism," or who exercised his constitutional right against self-incrimination be disciplined with disbarment. In 1950 its House of Delegates approved a resolution requiring every member of the bar to take an anti-Communist loyalty oath and to file periodically an affidavit stating whether he was or had ever been a member of the Communist Party.

Civil liberties scholar Zechariah Chafee, Jr., himself an ABA member, described the resolution as the "worst thing" the Association had ever done. Notwithstanding its intrusions upon First Amendment rights of expression and association, Fifth Amendment guarantees against self-incrimination and the *ex post facto* clause of the Constitution, a loyalty oath provided valuable psychic increments for its advocates. It offered unity and consensus at a time of alarm. Unlike earlier exclusionary devices, this one focused on political dissenters rather than on Jews, Catholics or blacks, but it is worth recalling that among the conspicuous victims of professional discipline during the McCarthy era were lawyers whose names were Harry Sacher, Abe Isserman, Ben Margolis, Hyman Schlesinger and Leo Sheiner. Little wonder that even so cautious a critic of cold-war hysteria as Justice Felix Frankfurter could conclude in 1951 that the legal profession was "giving a miserable account of itself these days."

The ABA, after relaxing for two decades, has now resumed its quest for professional purity. Once again political and social turmoil has triggered its response. Again, the enemy is within the gates. Nader's Raiders, OEO activists, law communards, protest marchers and longhairs have infiltrated the profession. Two years ago the ABA could isolate William Kunstler and satisfy itself with attacks on his "increasing flow of inflammatory remarks," his "cult of admirers rivaling . . . the teen-age mobs who used to swarm around Elvis Presley and the Beatles," and his "approach to human problems that is anti-intellectual, frantically impatient, defiantly nonobjective and intolerant, and eager for violence." With the menace spreading, how much better to eliminate character risks at their law-school source than to confront transgressors only after they are ensconced in practice. The dubious virtue of the current ABA proposal is its applicability at both stages. Yet before it receives final approval, perhaps the American Bar Association should define with precision what "good character" means. Without such explication, those who rely upon precedent have ample reason to be uneasy. □

MINERS FOR DEMOCRACY

CLOSING IN ON TONY BOYLE

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The more than 500 coal miners who held a Memorial Day weekend convention in Wheeling, W. Va., have taken the cause of union reform a big step toward realization. By naming a strong slate of candidates and a platform with which to take on the entrenched but beleaguered hierarchy of United Mine Workers president, W. A. (Tony) Boyle, the UMW Miners for Democracy (MFD) is on its way to returning "the direction of our once great union to the rank and file."

It will not be easy for MFD, as it has never been easy for reform elements to restore democracy in once responsive unions grown old and fat. But what MFD has already proved—and the way it was done—may carry it the rest of the necessary way. In so doing, it may also lay a pattern for labor reform and revival far beyond the coal fields.

The Wheeling convention was called in the wake of a May 1st decision by federal Judge William Bryant, voiding the bitter 1969 election of Boyle and his slate against a team of challengers led by the late Joseph (Jock) Yablonski. Judge Bryant cited massive vote manipulation and violation of federal and UMW law in the Boyle victory. In substance, the Judge agreed with the charge made by Yablonski during his campaign that "Tony Boyle is buying his way back into office."

Of course, Yablonski, along with his wife and daughter, did not live to see Bryant's decision and the start of

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Boyle's decline. Three weeks after the election, they were murdered in their beds. Now, some three years later, almost all the charges made by the Yablonski faction have been upheld in court. The appeals made so futilely by Yablonski to the U. S. Department of Labor for supervision of the 1969 vote have been found even more forceful than Yablonski himself realized.

The delegates meeting in Wheeling were keenly aware of that fact. Indeed, had George Shultz's Labor Department listened to the challengers' 1969 pleadings, instead of coldly ignoring them, Yablonski himself might have been standing before the crowd in the Wheeling College field house.

Instead, his two lawyer sons, Ken and Joseph (Chip) Yablonski, brought the convention to its feet with emotional appeals to complete their slain father's work. But the Yablonski brothers' involvement with MFD has been far more than just emotional or symbolic. Along with what Boyle has come to call "that motley Washington cabal," the brothers have spearheaded the drive in the courts against the Boyle regime.

Bryant's May 1st ruling was just the latest in a chain of legal advances against Boyle. Charges of misuse of union funds, illegal political contributions, unlawful governing policies, all made in the last year, must be wilting the rose so carefully placed in the union boss's lapel each day—particularly as the probe into the Yablonski murders moves ever closer to the 67-year-old Boyle.

"If my dad had had his way in 1969," Chip Yablonski told the miners, "he would have wanted a convention like this to nominate him." Now, he said, "you have got to walk out of here arm in arm and you've got to work your tails off . . . to throw Boyle and his crowd out once and for all." Ken Yablonski drove the point even deeper: "Those filthy, vicious, demented people who took control of this union thought they were going to end it when they murdered my mother, sister and father. . . . But you didn't let them end it."

It didn't end, in large part, because of the court actions pursued by the Yablonskis and others. If the Labor Department had been left to move at its own pace, there would have been no new election ordered by now, probably no MFD, and certainly no convention like the one in Wheeling. Bucking that indifference, a team of lawyers has managed to interpret and use existing labor laws in a way that is probably without precedent in trade union and court history.

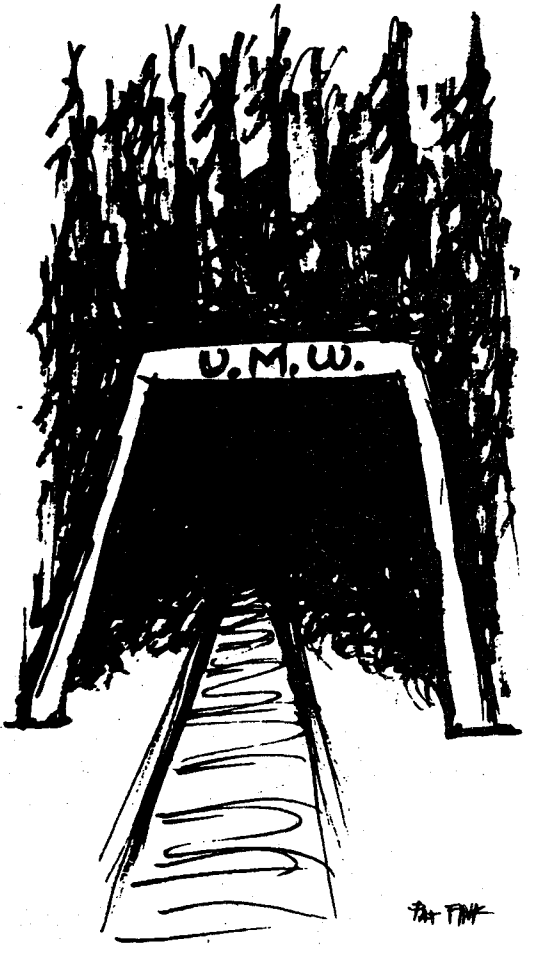
The key man in what Boyle calls the "cabal" is former Americans for Democratic Action chairman Joseph Rauh. He has noted the precedent involved: "Not in our lifetime, at least, has there been a rank-and-file convention of union members to choose candidates who will run against an entrenched union bureaucracy and to write the platform upon which those candidates will run," Rauh told the miners on their convention's opening day. "This is democracy at its finest."

"The betrayal of the worker the union purports to represent is even more evil than Jock saw it," Rauh continued. "The once great UMW union, built by strong men to relieve the coal miners from oppression, has become the desperate oppressor of those miners."

The delegates, many of whom belied the miner stereotype by wearing jackets and ties, cheered Rauh's message. And they roared for another of their heroes, Rep. Ken Hechler (D., W.Va.), who alone in Congress has stood consistently by MFD and its causes. Hechler recently won easily a tough primary in which he had MFD support, and united hostility from the UMW hierarchy as well as the coal industry.

"You have the muscle to win this fight . . . to make this great union a strong, clean and representative union," the Congressman said, telling the gathering what it already knew but wanted to hear anyway.

The Yablonskis, Rauh and Hechler came to the convention as MFD heroes; but, it was clear, they were not MFD leaders. "Tony Boyle would like to wrap me around the candidates to make this look like some kind of outside thing," Rauh told reporters. There was certainly no denying the vast influence exerted by Rauh and the others,



intentionally or otherwise. But, as should be the case, the union men themselves would have to use their court victories to go after Boyle.

The coal men know that Boyle and his officers have managed to retain power primarily by deceiving miners into thinking that great strides have been made in their name. In fact, as MFD has doggedly pointed out in its shoestring organ, *Miner's Voice*, the only UMW members for whom things have gone at all well are those on the Boyle payroll.

Because they thus realized the vast job of educating

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and organizing before them, and because they appreciated the crucial point at which they stood, the miners met in an atmosphere of intense resolve. There were few boisterous floor demonstrations, and such issues of dispute as arose were resolved by conciliation and assurances to all parties that they had been heard and considered—and appreciated.

To deliver the MFD message, a platform was drafted which covers all the main points for which the membership has so damned the Boyle incumbency. Heading the list was administration of the UMW. "The day of rose-in-the-lapel union leaders who refuse to leave their mahogany-paneled offices in Washington, D.C., is over. The day of sweetheart contracts and sellout unionism is over. The days of big limousines and big salaries and big expense accounts are over. The days of under-the-table payoffs to politicians for secret favors are over," reads the opening paragraph of the platform.

Among other things, salaries for top officers would be drastically cut. Boyle, for example, now receives $50,000 a year, plus nearly $10,000 in expenses. That would be halved. The number of payrollers, established in the days when UMW membership was far bigger than it is now, would also be slashed. And "there must be an end to nepotism," the platform declares, citing Boyle's daughter and brother, who earn $40,000 and $27,000 respectively in Boyle's home district in Montana.

MFD would move international union headquarters to "the heart of the coal fields where the miners would have a chance to go to the headquarters and speak with their leaders . . . the union leadership should be where the men are," the platform declares. Mandatory retirement at 65 is called for, as is an end to retirement at full salary. "The best way to get pensions for miners up to decent level is to make the payrollers receive the same pension as the members."

Other planks demand higher welfare and retirement benefits, including a raise in the base pension figure to $200 a month, plus another $10 a month for each year of work after twenty years. MFD would allow retirement for any miner who is 55 and has twenty years of work behind him.

Coal mining is the nation's most hazardous occupation, and MFD thinks that one reason for that has been the current UMW administration's lax supervision and enforcement of safety measures called for by federal and state law. Boyle's incredible comments made as seventy-eight men lay trapped and dying in a Farmington, W. Va., mine in November 1968, helped create the momentum for Miners for Yablonski. The UMW chief stood in front of the burning portal and told reporters that such is the way of coal mining, and that the mine operators, Consolidation Coal Co., really had a pretty good safety record. In fact, the Consol performance was and remains dismal.

Thus "MFD believes that coal miners should enjoy working conditions as clean and safe as those enjoyed by coal operators. The myth that coal miners must continue to be maimed and killed because mining is 'inherently dangerous' is not acceptable to us." The platform lists specific safety and health standards which must be met and enforced by the UMW.

Strict strip-mining control, a six-hour work day with four work shifts, including a mandatory safety maintenance shift, are among the MFD planks. Voting autonomy is also demanded, that is, the right of members in a UMW district to elect their own officers; in another court case in May, a federal judge ruled that the UMW practice of "trusteeship" district control, whereby Boyle appoints officers, is unlawful.

Read together, the planks are a strong and concise platform. Particularly in the section on union administration, it sounds like a model for dissident members of other unions. There is the call for more responsive leadership, for active union monitoring of health and safety standards at the job, for much more stringent demands on employers regarding work and retirement provisions.

For these and other reasons, union leaders and rank and file will no doubt be watching the coal miners closely. Once again, as in decades of the shadow past, a union of coal miners is setting a course for labor. In the last few years, organized labor has been sadly remiss in failing to denounce the obvious corruption of the Boyle administration—afraid, perhaps, of nearby mirrors. But, as Rauh noted, "here the tide is clearly turning too." He pointed out that Leonard Woodcock, chief of the United Auto Workers, recently urged federal authorities to probe deeply into the operation of the UMW. "One day soon the UMW, under new leadership, will be . . . in the forefront of the trade union movement as an idealistic force for good in every walk of life," Rauh predicted to the Wheeling gathering.

To get there, the miners elected a low-keyed West Virginian to head their slate against Boyle. Arnold Miller, 49, himself disabled by black lung disease, has gained a high reputation by his work in leading the black lung movement to the point where, on May 12, Nixon "reluctantly" signed a law giving black lung victims and their dependents long needed relief.

Running for vice president on the MFD ticket will be Mike Trbovich, 51, national chairman of MFD. Trbovich, from the Yablonski home town of Clarksville, Pa., had also sought the top post. But after district caucuses and a fair amount of nighttime politicking, Miller won with 60 per cent of the vote. Apparently, many miners felt that Miller's connection with the UMW's large number of pensioners through the black lung fight was a valuable election asset.

In the secretary-treasurer slot is Harry Patrick, 41, of Fairview, W. Va., who was co-chairman of Miners for Yablonski in 1969. Backed by many younger miners, Patrick led last November's rank-and-file strike by union members protesting the contract negotiated last fall between Boyle and the coal industry.

Observers see it as a strong slate of candidates. "I'm hopeful and confident," Miller said, announcing that the MFD campaign would start immediately and reach all areas "where coal is mined." Trbovich agreed, saying that a unified MFD will win the next election and "rid the corruption, the tyranny in the United Mine Workers of America." And Patrick quietly stated, "I seek this office obligated to no one except the 200,000 coal miners who belong to this union."

The conviction and enthusiasm for the new election,

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which will likely be held in December, is there even if some resources are lacking. Miller said the campaign would be financed by out-of-pocket contributions from miners, a far cry from the slick and illegal use of union funds by Boyle in 1969. Contributions are also being sought by the MFD National Campaign Committee (Box 19165, Washington, D.C. 20036).

Boyle's faction may have a hard time coming up with a candidate who is not in jail or under indictment, but it's not about to surrender its power without putting up a fight. A major question facing MFD is whether it can guarantee a fair election, even with the federal supervision which has at last been ordered as part of Judge Bryant's decision.

Jock Yablonski said that his election was stolen. Since his death, lawyers working in his name have earned for the dissident union group the right to participate directly in challenges made to the UMW by the Labor Department. In the past, such groups as MFD had no recourse to the courts when they suspected abuses, since federal law allowed only the Labor Department and the defendant union administration to be parties in an action. Tony Boyle's "motley cabal" has knocked that over too, with the Supreme Court this year giving MFD the right to be a plaintiff along with Labor.

That ruling, plus the close scrutiny with which the upcoming vote will be observed, may halt at least the most blatant bullying and abuses by the Boyle machine. The question, though, is whether the nation's coal miners, who already face a hard enough lot, can buck the local and district officials who to a large extent are still owned by the Boyle machine.

MFD thinks that anyone running against Boyle or his designee could win a fair vote—resentment is that high. It's now a matter of spreading the word written in Wheeling. The nation's coal miners are on the verge of reviving their former importance in the union movement in America. They already have shown union reformers everywhere that it can be done. □

LETTERS *(Continued from page 770)*

tigation it was found that Mr. Robinson was an insider with the National Association of Mental Health, and currently an investigation into psychotherapy is being made by the British Government. We have taken the same action here with Miss Cooper, since she has filed her suit, and have found some shocking evidence.

Second, I take issue with Steinman's point of view that because an organization has a lot of money it can stifle a free press at will. The truth cannot easily be stopped, no matter what the barriers are. Lies through honest judicial procedure can be stopped. I think it is important to the First Amendment liberties that freedom of the press also include the responsibility of the press to report events with accuracy. If every two-bit joker were taken seriously with his false reports, the public would be left in quite a state of confusion. The only thing worse than this would be in a totalitarian state where all comment is dictated to the press from government sources.

Even Mr. Steinman admits that Miss Cooper's book is highly questionable in its accuracy. People often take what they read for truth. If she really has sold 200,000 copies of her book then 200,000 people would be very misled as to what Scientology is. Fortunately, Steinman was able to see through the mask of lies. Others who read the book might not have such insight. It is grossly unfair that the Church of Scientology and its system of ethics which exposes heresy be criticized for its honesty.

James A. Meisler, Minister of Public Relations
Church of Scientology, New York

anyone out there?

Leesburg, N. J.

DEAR SIRS: I am writing this letter in the hope that someone out there will intercede in my efforts to get my case back into court.

I am a drug addict and have been since the age of 13. At the age of 16, on December 29, 1968, I was arrested on a charge of first-degree murder, which I never committed. However, I was at the scene of the crime, at which all I did was pick up a box that a short while later I found to be a camera. In January 1969, I was released on $2,500 bail, which my family paid, in the amount of $250 through a bail bondsman. During my release on the street (I was out for about fourteen months after bail was set) I became fully addicted to narcotics, and was arrested on two separate narcotics offenses. In December 1969, I was subsequently indicted for first-degree murder. . . . My lawyer advised me to enter a plea of *non-vult* on a bargain for a sentence of five-to-seven years in a reformatory, possibly Yardville. . . . At this point I was so scared of having to face the death penalty that on April 10, 1970, I entered the plea of *non-vult* because of my attorney's advice. . . . On May 8, 1970 I was . . . sentenced to a term of twenty-to-twenty-five years in the New Jersey State Prison, Trenton.

Since my incarceration I have found pertinent facts to make me believe I was unjustly done. I have attempted, on numerous occasions, to obtain my transcripts (which are vitally needed, in order for me to prepare a brief for my case to appear back before the courts) but to no avail. I have even contacted my previous lawyer and informed him of what I am trying to do, and what I need. However, he in turn informed the Administrator of the Courts that, "it would be beneficial to me if I contacted the Public Defender's Office for future representation. . . ." I have written a total of twelve letters: to my lawyer; Public Defender's Office; Administrator of the Courts; Court Clerk; Superior Court; Juvenile Court; and a Criminal Investigator, one Mr. Jahos; and I have submitted a motion for Order to Show Cause to the Hudson County Juvenile Courts, all to no avail.

Since being here at Leesburg State Prison, I have become involved in the newly established, inmate run, Therapeutic Community Drug Program, Exodus House, in which I am chief clerk of the legal department. I have become more aware of my problem and wish to curb it, so that I may become a drug-free citizen and be able to function as a normal human being in society, without having to depend on drugs to get along in the world today. . . .

I am without financial support, and so declare myself indigent. I cannot obtain any money from any source, not even my family, for representation. I have been here for two and a half years, and am now 20 years old. I am sure you can understand my anxiety to solve this problem, and possibly be set free.

I thank whoever may be concerned for any consideration, and/or advice, that may be forthcoming.

Ernesto Santiago #49045

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BOOKS & THE ARTS

Words to Preserve a Certain View of Life

LYING WOMAN. *By Jean Giraudoux. Translated by Richard Howard. Winter House. 232 pp. $6.95.*

LEON S. ROUDIEZ
Mr. Roudiez teaches at Columbia University. He is the editor of Justin O'Brien's collection, Contemporary French Literature *(Rutgers University Press) and the author of* Michel Butor *(Columbia University Press) and* French Fiction Today *(Rutgers University Press).*

"On what occasion, then, should one make puns, if not in the presence of fate?" Such a remark, made by a character in one of Giraudoux's early novels, points to the role language plays in the *Weltanschauung* that is embodied in them —and in his dramatic works as well. Language, to begin with, is the material of his craft; writers are, according to a character in yet another book, the only ones for whom "words are not simply fine labels, for in their minds they all appear soft as sponges, gluey, and imprecise." Seen from a different angle, language can be used to manipulate people, either to change their outlook or to perpetuate their way of doing things.

As the late Claude-Edmonde Magny suggested in her classic study on Giraudoux, preciosity emerged in the 16th century at a moment when the world view that had comforted the Christian Middle Ages was crumbling; likewise, Giraudoux's so-called preciosity was needed by him and his contemporaries to enable them to forget that God is dead and that the universe was devised neither to man's measure nor for his pleasure. In *Lying Woman* one reads "that lying is all that has been created by man against a creation implacable to truth!" Incidentally, I find the lewd ambiguity of the title's translation, aggravated as it is by the dust-jacket design, hardly faithful to Giraudoux's tone; I should have preferred the kind of ambiguity offered by "The Liar." The lying woman might well have been named the precious woman, and this posthumous novel easily finds its niche among those that precede it.

None has made much of an impression over here. Actually, I believe only three of those eight earlier works of fiction has ever been translated (*Bella, My Friend from Limousin* and *Suzanne and the Pacific*). Giraudoux's success as a playwright was perhaps responsible, partly at least, for keeping them out of the limelight. There may be another reason for their not having been appreciated: like the fiction of Valéry Larbaud, like Nathalie Sarraute's *Tropisms,* they were both ahead of their times and too much a part of it. They were not best-sellers then, but when reading them today (and this goes for *Lying Woman* as well), we are in danger of being put off by those very aspects that might have pleased a prewar audience most. Set in the realms of diplomacy, finance and big business, written in a style of supreme elegance, delicately seasoned with wit, they seem made to order for the affluent bourgeoisie of the 1920s and 1930s. Yet I wonder how such readers reacted upon encountering a character for whom "the universe was, more than for anyone else, covered with a verbal crust that concealed from him the chasms of chaos." Could they miss the romantic irony along with the mirror that was held up in front of them?

Of course, unlike more recent writers, Giraudoux had no wish to change the world—to use Marx's phrase. He did want to preserve a certain view of life, one that he thought was characteristic of France and Western civilization par excellence. He knew that such a view was predicated upon an elaborate structure of language. Today, writers like Philippe Sollers make use of that knowledge destructively, but Giraudoux adapted it to a conservative purpose. What may have been his major temptation, a romantic longing for innocence and purity (somewhat akin to the surrealist quest for the lost paradise of childhood), he would let some of his characters succumb to; nevertheless, in the novels of his mature years, he usually brought them back to his own view of reality in the end. No wonder that Suzanne, returning from the deserted Pacific island to which she herself had, through her language, brought a "harmony that forty million Frenchmen had just then succeeded in impressing upon their mountains and forests," thrills at the sound of phrases like "recorder of mortgages" or "county tax assessor," and sheds a happy tear when confronted with the Comptroller of Weights and Measures; she is back in a familiar world, one in which the echo eagerly responds to the quiet rhythm of her balanced sentences.

Giraudoux stressed setting and themes, and there he belonged very much to his time. He did minimize plot, narrative and character; in that, he foreshadowed later developments. He seemed little concerned with convincing readers that his characters were "live" persons. Some even appear to be the result of spontaneous generation, like Suzanne, who has no parents—only a tutor, "Mademoiselle," with whom she lives. In *Lying Woman* Nelly is given a bit more background, but only in order to account for her attitude toward Reginald. As far as he is concerned, the text of the first chapter removes him from the domain of plausibility and sets him up in the realm of poetry. Giraudoux's son surmises that his father did not allow the novel to be published because, as Richard Howard translates it, "the work was too intimate, too manifestly inspired by real persons" (in a "translator's note" following the text of the novel). That may well be so, but I doubt very much that many readers, today, would sense anything of the sort; going one step further, I might say that I have on occasion had difficulty in believing that Giraudoux himself was real. If "reality" is to be seen behind his characters, the reader will have to provide most of its stuff.

Mere names, such as Reginald and Nelly, are usually enough to get one's imagination going. On the one hand, they are the "simple props" and "crude labels" Nathalie Sarraute describes in her essay, *The Age of Suspicion*; on the other hand, they are much more than that, for each name is the center of a web of relationships ruled by laws that are more verbal than psychological. Sightseeing in Portugal, Reginald encounters a local couple and their 8-year-old daughter. The little girl takes to him, and he suggests to her parents that she continue to visit the cloisters with him; they consent. "And she was given. And believed herself given forever." Naturally, a minor drama gets performed when, screaming and kicking, she is returned to her parents. The misunderstanding hinged upon a word, and that episode was necessary to establish the nature of Reginald's relationships with people. Later indeed, when he tells Nelly the story of his life, it sounds like a medieval epic. To such a bard, how could she possibly respond with a tale of mediocrity? Out of necessity, she lies in order to preserve the harmonious rapport that

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has just been established. Clearly, Reginald is just as much responsible for Nelly's lies as she is, if not more so. As another, older character, who eventually marries Nelly, tells him toward the end, "I don't think I've ever told a lie in my life. But I would not swear that my life as a whole is as true as Nelly's. . . . Let me say this: it is you who made her lie." However one interprets this business of "lying," it was of no avail in the long run, and the harmony that existed between Reginald and Nelly is destroyed.

The story stands in contrast to the argument of Giraudoux's one-act play, *Cantique des cantiques* (*Song of Songs*), in which an older man, for all practical purposes, gives his mistress Florence in marriage to a younger one. The latter, while it would be too much to say that "he cometh leaping upon the mountains, skipping upon the hills" (Solomon, II: 9), does skip across lawns and leap over brooks; to remain on his level, truthfulness will not be easy. Florence explains, "I owe it to him to push aside anything questionable, anything that I would have to lie about in order to explain it. . . . Life lies to him in my stead on all matters that concern me." Like Nelly, Florence then disposes of the relics of her past, and the implication in the play is that it will work. *Cantique des cantiques* is a song in praise of love and youth, in which old age, although the loser, takes things in its stride; the novel, on the other hand, is a disillusioned tale of shattered make-believe. The curious thing is that the two are roughly contemporaneous. The play does have its source in an anecdote Giraudoux had related in a novel, *Eglantine,* some ten years previously, but the basic plot matters little compared to the quality of the relationships that are established, the tone, and the plot's résolution. It was typical of Giraudoux to write antithetical variations on similar topics. I do not believe that, in this instance, it was a matter of disenchantment following upon illusion, for *Lying Woman* was written before *Cantique des cantiques.* If reality wins out in *Tiger at the Gates* (1935), illusions are preserved in the earlier *Amphitryon 38* (1929) and the later *Madwoman of Chaillot* (1945). Perhaps it was all part of a game; or possibly Giraudoux was under no delusion that he knew the answers. Unsure as to his ability to hold together a life he sensed was meaningless, he may have donned successive disguises to preserve his sanity. To put this in a different way, Giraudoux the playwright may have been the mask that preserved Giraudoux the novelist, himself a mask to protect Giraudoux the public servant, and so forth. "Such is my life," we read in *Provinciales* (1909), "I must forget that I am living, I must let all things come to me, after they have been reduced in size and made velvety, so that they might enter my eyes without harming my pupils." A whole class of society managed to do precisely that, for a very long time. □

No Archetypal Revolutionary

WHITE ROBE, BLACK ROBE: Pope Leo X, Martin Luther and the Birth of the Reformation. *By Charles L. Mee, Jr. G. P. Putnam's Sons. 316 pp. $7.95.*

ROBERTS W. FRENCH
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It is a great story, David and Goliath in 16th-century dress: an obscure young monk contends against the most powerful institution of his day and emerges triumphant, sustained by his integrity. David, of course, is Martin Luther, the son of a German coal miner, and Goliath is Pope Leo X, born Giovanni de' Medici, son of Lorenzo the Magnificent. The two, it would seem, were fated adversaries; but the outlines of their struggle are not so distinct as they might at first appear.

In the early pages of *White Robe, Black Robe,* the author describes the conflict between Luther and Leo as "a confrontation between the classic, the archetypal establishmentarian and the archetypal revolutionary." That sounds like a good script, and a timely one, but the terms are nowhere defined and no effort is made to prove the point. The author's prime concern is to sustain a narrative, not to establish a thesis. The story, however, turns out to be more complex than the author's description of it would suggest.

What the story shows, among other things, is that Luther was in no sense an "archetypal revolutionary" like, say, Robespierre or Lenin; part of the fascination of the man, surely, lies in the distance between his intentions and his achievements. He could not have imagined the effects he was to cause.

Although his own situation had everything to do with the political battles of his times, he remained to the end an innocent in such matters; he was, after all, a theologian, not a politician, and far from being a revolutionary, he was a reformer who wished to correct abuses rather than change the forms of things. (In 1519, less than two years after posting his ninety-five theses on the door of the castle church in Wittenberg, he remarked, "I like not and never shall like any kind of schism.") He had no master plan for the future and no desire to upset established authority, nor is it clear that he ever saw the full implications of his teachings. When his ideas led in ways he could not have foreseen to actions that threatened the social order, his response was as direct as it was ominous: "Nothing," he said, "can be more poisonous, hurtful, or devilish than a rebel. He that shall be slain on the side of law and order is a true martyr before God. . . . He that perishes on the side of rebellion is doomed eternally to hell."

At the bottom of Luther's protests against the Church lay his conservative hunger for unshakable authority. The highest authority he could find was not the will of man—he was no liberal humanist—but the word of God, especially as it is revealed to man in the Bible. In questions of Biblical interpretation, therefore, Luther remained consistently an obdurate "strict constructionist." As he said on various occasions, he would be willing to recant if someone would *show* him where he was wrong; but the proof had to come from the Bible and not from human pronouncements. This insistence on fidelity to the text proved to be a radical innovation, but Luther would have thought of it as a defense of established authority.

Luther's successes were not what he had originally intended, but they were successes nonetheless, though his victories are far more distinct now than they were during his lifetime. Leo, we should remember, died thinking that *he* had won. But Luther's very survival became an example of the power of the individual conscience, a living demonstration that one could say "no" and get away with it. He set a dangerous precedent. That he succeeded as he did was due not only to the strength of his character and his convictions but also to good fortune in matters beyond his control. He was lucky, for example, in his nationality; had he been born an Italian, he might have perished as Savonarola did, but in Germany, protected by Frederick, he was out of reach. And he was lucky in his enemies, for it is certainly true, as the author insists, that he was to a considerable degree shaped by his adversaries, who never knew quite how to deal with him. At various points he might have been

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neutralized by apparent accommodation or deceitful overtures of reconciliation, but it was his fate to be pushed into positions from which the only possible response for a man of his nature was self-assertion. And so he triumphed.

The complexity of Luther's character is almost matched by that of Leo, frequently a distant figure in the Luther controversy but nevertheless a figure that should command our attention. And yet he has been oddly neglected; as the author points out, the last biography of Leo appeared in 1908. In death he has been overshadowed by Luther, an ironic end for a man who was at the center of a glorious age. In the Leonine court, with all its extravagance and splendor, the Italian Renaissance reached a brilliant peak; and Leo himself was a fascinating mass of contradictory impulses. There are, however, only suggestions of Leo's full range in this book; we are told what he did, but there is little analysis of what he was. It is not at all certain that he was in fact an "archetypal establishmentarian," for example. "The character of Leo," the author states, "is ripe, if not overripe, for psychological analysis." So it is; and such a study would be well worth having.

What this book does not do, then, is to explore adequately the characters of its major figures; it makes no attempt to break new ground and it relies for information on familiar and readily available sources. What it does well, on the other hand, is to tell its story with lucidity and ease, bringing its materials together into an unpretentious and engaging whole. As an introduction to the life and times of its two great adversaries, it is a welcome addition to the literature of the period; but the story will bear retelling, and the last word on Luther and Leo is far from having been said. □

Disorder and the City

HOW SHE DIED. *By Helen Yglesias. Houghton Mifflin Co. 338 pp. $6.95.*

MARTIN GREEN

Mr. Green is an English writer, teaching at present at Tufts University. He is the author of Re-Appraisals: Some Commonsense Readings in American Literature, The Problem of Boston, Mirror for Anglo-Saxons *and* Yeats's Blessings on von Hügel (*all Norton*).

This novel has been widely and appreciatively reviewed, and I want to take advantage of that fact to devote very few words to its plot and themes, or even its author's talents and artistic success. It is the story of the death from cancer of Mary, a movement leader, told mainly by her friend, Jean, who is having an affair with Mary's husband, Matt. The story is created with rich imaginative specificity, making us participate in all its themes, personal and impersonal, by an almost meaty, vascular substantiality.

But what particularly interests me in the book is its character as anecdote. This is so pronounced that I find I subsume plot and character, and even theme, under that heading. The subplots of the novel, and even the main action, are anecdotes as much as the paragraph-long stories, only on an immensely larger scale. Even the themes, of cancer, madness, the city's hospitals, the woman's role, seem to me "typifying," representing, making concrete something larger behind them—which is what I mean by anecdotal. And what then is that larger subject? The best answer seems to me New York City, because all the things touched on are at their intensest in the city, and because that is the link between them, constituted by them. The dirt of our culture, the disorder, the anger, the hysteria, the strenuous sexuality, the threat of madness, the threat of cancer, the political activism—all are not only located in the city but so rendered as to be recognizable anywhere else as "New York." The politics, for instance, is rendered in terms of a demonstration in the city streets, and a couple of committee meetings, in an apartment and in a restaurant. And if the novel had attempted a scene in Vietnam or Washington, one feels it would have been a New York scene.

The imaginative substance of the book is then for me anecdotes about New York —*serious* anecdotes about lying in a hospital there, living through a snowstorm there, taking part in a radical demonstration there, about its restaurants, apartment houses, streets and subways. And Helen Yglesias is extremely good at such anecdotes. What she sees and hears is never a cliché. She catches the characterizing detail which brings the person and the scene to life, and makes it poignant or funny. In one sense, to do that about New York is not difficult, since half the city's population trains the other half in telling such anecdotes. But to excel in such a competition is all the more remarkable. Perhaps the dominant element in Helen Yglesias' talent for anecdote is its tact. Her characters are not caricatured, her mockery is not vicious, there is great variety in her points of view, and modulation in the points she makes. She never begins to caricature herself by overinsistence, as does even that distinguished line of anecdotists which runs from Dorothy Parker to Mary McCarthy.

That is because her anecdotes lack certain features which we usually ascribe to anecdotes. They are not particularly "clever" or pointful but rather a series of moments filled to the brim with their subject, the city. I can make my distinction by describing one anecdote which *is* of a usual kind. After a few weeks' idyllic escape from New York, in a friend's beach house, Jean and her sons find three baby birds abandoned by their parents, but who cannot thrive on the food and protection which the humans give them, who droop and fade and finally start attacking one another. The pathos of their situation at first, and then their brutality, and the characters' inability to cherish them as they require, provoke very strong reactions, even in the children, reactions which are ideological in that they derive their force from the hope that life was going to run differently, there, out of the city. Paul, the gentlest of her children, attacks Jean bitterly for her warnings against his exalted devotion to the birds. And when he finally accepts his failure, he comes into the house "at a zigzag run, holding his head as if it might split, howling, 'Why couldn't they have lived and gotten strong? That's the way it's supposed to happen.'"

This anecdote is tactfully told, and its point is not overobtrusive. But it does have a point, and so a detachable outline, whereas the material in the rest of the novel which so strikes me does not. It is just the background to incidents in which the characters are involved, or such incidents themselves, or sometimes merely scenes or objects registered by their eyes. There is no sharp differentiation or categorization, as in the old naturalism, and that intermingling of different modes of material helps develop our impression of the totality of the city life.

Thus we have some outright descriptive passages, like this on the last page: "Broadway was suspended in a haze of smelly heat and a yellow, menacing light of early evening. The gutter's edge ran flush to the curb with filth: newspapers, dog shit, empty packages and wrappings, ends of hot dogs and pizzas from the open counters of food joints, a melting ice-cream cone, leaflets of all kinds—supermarket flyers, primary election appeals, scrawled peace leaflets in four garish colors, US OUT OF CAMBODIA, THAILAND, VIETNAM, LAOS, a splotch of color for each country. . . ." But we also meet the city in the

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form of the anger which pervades all the characters' personal relations. The citizens incite one another to anger as a moral duty. "Don't *let* them give you that shit. You've got to *insist*." Doctors and hospitals provoke this anger in patients, schools in students, committees in those they deal with.

But even in the tenderest of personal relationships this anger lurks below the surface and blazes out very easily. Mary and Matt, though still in love, are literally killing each other. She finally slams a door on his hand and breaks two of his fingers, deliberately. Jean fights with her divorced husband, and even between her and Matt, who are falling in love, there is bitter distrust and destructiveness. There are terribly angry scenes between Jean and her eldest son, Terry, who wants to drop out of everything—scenes which are also terribly "New York." Thus not only sexuality but love itself runs in track with this anger, and exchanges energies with it.

I have said that the plot and characters also subsume themselves as anecdotes about New York City—about the city its intelligentsia knows, that is. What I mean is that Mary's personality, her madness, and even her cancer, are most real to us as manifestations of her milieu. Her career is described as "typical." "She did everything—" we are told, "student organization, civil rights, poor people's organizing, peace work, and then militant antiwar civil disobedience acts." And later, about someone else, " 'She's done a little of everything, Martha Graham, film, aesthetic realism, revolution, East Village, wild drug experiments.' " Even the cancer is typical, and our attention is directed most of all to the treatments and the hospitals involved. And Bob Guerrero, who has long been in love with Mary, is made most real to us in his institutional connections, with hospitals, with political committees, and with a "people's liberated mobile health unit" which he sets up. These are the ways in which he is *typical* of the city now.

And the interesting thing about this genre of city-anecdote fiction is that it seems to be especially inviting to women writers today. Two books one is bound to think of while reading *How She Died* are Doris Lessing's *Four Gated City* and Paula Fox's *Desperate Characters*. In all of them a great city (in our times) is the substantial subject, and it has the same character, of dirt and disorder, hysteria and collapse. The same theme of madness is explicitly explored in Doris Lessing's novel, while in Paula Fox's the story of the cat has the same significance as that of the baby quail in *How She Died*; the violence of the city produces a yearning for gentleness, a yearning to express tenderness, which quickly breaks down into anger and bitterness when it meets difficulties.

The theme of disorder is also expressed largely in terms of sexual behavior in the works of all three writers, and this too seems to be related in an important way to the core-identity of the woman-novelist. In both *The Golden Notebook* and *How She Died* the narrator's history is that of a divorced woman with children who takes lovers boldly and freely but is a devoted mother—a servant of both Demeter and Aphrodite. The disorder derives from that division of loyalties, but also from a division within the Aphroditean impulse itself. Jean in this novel resents Matt a great deal for his "male chauvinism" even as she loves him, and helplessly sees herself betray Mary—toward whom her feelings are clearer and even stronger than they are toward Matt. Such men, the sort she responds to sexually, are her enemy as a woman. But the disorder is expressed above all in the very experience of sex itself. "He was on top of me at once. So quickly that there wasn't time to respond, he had entered me, having raised my bulky granny nightgown to my neck where it puffed out over my face. He came at once and sweat seemed to spray out of every pore of his body, bathing me as well as him. It was one of the worst lays I had ever had but I felt very good lying under his sweat and his sweet release." Sexual fulfillment is one of the book's values, and sources of value. But it is also one of its sources of ugliness, and even here, between Matt and Jean, the sweat seemed to spray out of every pore of his body.

That disorder (and the dirt of the gutters) goes along with disease—both physical and mental—and all function together as humiliations to human dignity. (It is because hospitals focus all three kinds of humiliation that they are the novel's prime locus.) In the very first pages we meet a woman with a urine bag strapped to her side and smelling foul, and all through the story moves the figure of Mary's mother, Bella, a Communist atom bomb spy now so afflicted by Parkinson's disease that she can do nothing—nothing but represent "the cause" to her former comrades by having her arms raised in public salute, "trembling violently in every part of her body." And it is notable that it is women, not men, who suffer these indignities. One particularly sharp focus for the writer's protest is the girl who continues to fix her pretty face on top of her failing body, for her husband's benefit.

These latter themes, of personal dirt, disorder and disease, join the larger problems of the city and the nation. This second set of themes is given full status; nevertheless, the conjunction of both sets of themes is the characterizing feature of Helen Yglesias' work, the *inseparability* of the various kinds of disorder. That is why the city is the subject of her novel.

And one asks oneself if there is anything here that has to do with the "woman-novelist" identity. (That identity is no more of a limitation than the assertively man-novelist identity of Hemingway and Mailer. Both identities are options, which a man or woman is free not to take up, and if one is taken up it derives its artistic status entirely from the work that issues from it.) Clearly, modern realism as a whole insists on an inseparability of experience. The architectonic structure and elegant style which used to feel compatible with realism even when stressed (as in *The Princess Casamassima*, another novel about a city) is nowadays felt to announce some intrusive intention

THE YOUNG AND THE OLD

Will we make it to 2000?
1984 slides along ominously,
Now murder and assassination assail free Canada.
The center is not holding, Willie.
I sat beside you when the course was young.
I knew, old man, you would tell the truth.
How the young laugh at your singing Byzantium bird.
Ventriloquists all, no golden bough for them.
Who would want the intellect, that great stride,
Only to reach a tinsel bough. The drab
In the ditch is better, you thought of that,
The Purgatory *knife the sharpest you ever honed.*

We are easy riders to the fields of grace,
A bomb shell in the gut.

No reality but in the spirit.

Richard Eberhart

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of comment or argument. And this creates an identity, of the realist-novelist, which is available to both men and women. But is it perhaps true that men have written out of it mostly about war? That is, when submerged, subdued, by a flood of physical, perhaps trench-life experience. When I think of novels on other subjects which insist on the full tide of gritty or grainy-textured *experience,* I think of women's novels. Besides Doris Lessing and Paula Fox, I think of Christina Stead. And one reason why this should be a woman-novelist's mode is suggested by the resentment of Lessing's heroine for her lover and his "man's work," her resentful feeling that a woman has to deal with more problems than a man—with babies and cooking and looking pretty all the while she is also thinking and writing or organizing just like him. These novels insist on that extra-crowded *rush* of multiple responsibilities which make nonsense of architectonic categories in life. But whatever its explanation, the woman-novelist phenomenon of the moment seems clear, and is producing some of the best fiction now being written, and amongst such writers Helen Yglesias stands very high. □

University, Si; Students, No

REBELLION IN THE UNIVERSITY. *By Seymour Martin Lipset. Little, Brown and Co. 310 pp. Paper $3.95.*

MILTON MANKOFF

Mr. Mankoff is assistant professor of sociology at Queens College of the City University of New York. He has written previously on the American student movement and is author and editor of The Poverty of Progress: The Political Economy of American Social Problems *(Holt, Rinehart & Winston).*

Several years ago, in his *American Power and the New Mandarins*, Noam Chomsky attacked contemporary liberal social scientists for their "antagonism to mass movements and to social change that escapes the control of privileged elites." Chomsky felt that this phenomenon was a consequence of the rise in status of academic "experts." The new mandarins, sitting or aspiring to sit at the side of the politically powerful, find protest movements from below a threat to the abstract models for orderly reform that they wish to put into practice. Such movements also jeopardize the experts' influence with the elites, who consider social scientists to be adjuncts to the armed forces and police in maintaining social order.

Rebellion in the University might be considered an example of the left wing of liberal scholarship in Chomsky's sense of the term. The author claims to believe in the universal validity of democracy, and he supports mass movements for democratic social change; however, Seymour Martin Lipset tends to show most enthusiasm for mass protest when it occurs in Communist and underdeveloped societies, which he characterizes as inherently reactionary because of their undemocratic political and economic systems. However, he fears mass political action in the United States and other "Western democracies," particularly if it goes beyond the realm of legality. Ideologically charged politics is presumably inappropriate in advanced capitalist society.

Lipset's work attempts to place the American student movement in a theoretical framework that traces its sources and permits us to estimate its significance in the nation's historical development—as well as its implications for the future of the university and the larger political system in the United States. In the major portion of the volume, he draws upon historical accounts and public opinion polls to demonstrate that the recent wave of extralegal student protest has not been unique in the nation's experience, does not reflect a widespread radicalization of today's younger generation, and is likely to weaken the university while failing to bring about progressive social transformation.

Lipset's analysis of the American student revolt from the 1770s to the 1970s is certainly a useful corrective to the ahistorical perspective of persons on the Left and Right who automatically assume that militant revolt by any segment of society has revolutionary implications. Nevertheless, his belief in historical continuity leads to an unfortunate unwillingness to seriously consider whether contemporary student revolt could have greater import for democratic change than did campus unrest in the 18th, 19th and early 20th centuries, when the university, society at large, and their interaction were so different.

Lipset fails, for example, to appreciate the degree to which the modern "multiversity" plays a crucial role in maintaining the stability of parliamentary capitalism through the nature of the research it carries on, by training skilled manpower to meet the requirements of our economic, political and military hegemony over the world, and by developing essentially conservative solutions to pressing social problems. Moreover, although he is aware that professional and semi-professional workers have greater potential power as the "service" sector of the economy grows, he makes only passing reference to the possibility that radicalized graduates could disrupt the normal operation of the communications media and the educational, welfare, medical and legal bureaucracies—and in the process forge vital ties with new constituents.

It is also necessary to criticize Lipset's unexamined assumption that international and domestic economic, political and social forces will continue to provide a favorable context for American institutional stability. There is not the slightest hint in his analysis that the erosion of America's open-door empire, the stagnation of workers' real income coupled with a regressive incomes policy projected for the indefinite future, the increased concentration of militant blacks in urban centers, and the undermining of the Protestant ethic among students and young blue-collar workers alike, might exacerbate domestic conflict to the point of political upheaval. Although Lipset believes in the pluralist interpretation of America's power structure, he does not examine the possibility that the absence of a totally unified elite could prevent precisely the kind of dramatic reform needed to assuage growing discontent. It is at least imaginable that a student insurrection, under conditions of class and racial polarization and national political paralysis, could set the stage for direct political activity, as it did in France during May 1968, with less likelihood of a return to the *status quo ante.*

Perhaps the primary reason why Lipset feels it unnecessary to engage in a detailed examination of the structure and workings of major American institutions is his reliance on public opinion polls as valid indicators of political stability. Lipset cites numerous attitude surveys to suggest that only a tiny proportion of students and nonstudent youth and adults profess to be radicals. Yet, while ruefully admitting that the *behavior* of small minorities of militants can create institutional crises, he still implies that the *attitudes* of all citizens provide the best litmus test of mass insurrectionary possibilities. But the historical record indicates that the majority of people remain passive spectators even in periods of turmoil, despite their ideological sympathies. Moreover, mass movements which culminate in social revolution do not generally depend on revolutionary sentiment so much as on a strong desire for reform

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that coincides with a loss of legitimacy on the part of inflexible or inadequate authority. Lipset's own analysis of student unrest bears out this contention. Radicals on campuses have always been a minority, but their activism was often supported by more moderate students who shared their short-run goals—and occasionally outdid them in militancy.

These remarks do not imply that a social revolution, inaugurated by student riots, is imminent. I am concerned, rather, to point out that Lipset's evidence in support of the "banality of revolt" thesis is unsatisfactory. It has been just such reliance on opinion polls that has blinded social scientists to the emergence of the civil rights and student movements in the past.

Lipset's underestimation of the possibilities for radical social change, and the positive role of a militant student movement in such a process, is related to his exaggerated fears of a right-wing backlash—another perennial bogy. The evidence he adduces is mixed at best, since it is based on a one-sided interpretation of polls and the results of recent elections. For example, Lipset mentions the fact that supporters of McCarthy and Kennedy approved of police conduct at the 1968 Democratic convention in Chicago. But what is one to make of this finding? Does it indicate that liberals favor violent repression of dissent, or that many people who resented militant protest still planned to vote for anti-war candidates? Student protests may well alienate people, but those who are alienated may take it out on incumbent politicians without regard to ideology. Thus, while Reagan did defeat Pat Brown partly because of hostility toward the Free Speech Movement at Berkeley, continued unrest may have contributed to Reagan's relatively poor showing four years later, and the rejection of George Murphy's and Max Rafferty's bids for re-election. If votes for George Wallace represent a backlash, how does one assess the enormous support for George McGovern? It is arguable, too, that mass disruption can effect elite decision makers who have little regard for *silent* majorities or minorities. There is some evidence that the campus outbursts after the Cambodian invasion forced President Nixon to pull back American ground troops. If spontaneous mass protest had been sustained instead of having its energies channeled into signature gathering for the McGovern-Hatfield amendment and the 1970 elections, the current escalation of the war might conceivably have been avoided.

Given Lipset's overall perspective, it is to be expected that his thoughts on the university and the social role of the scholar will be anything but pointedly critical. As in the case of so many defenders of the academy, the author emphasizes the ideals which are presumed to motivate it and glosses over the less flattering reality. For one who believes it is the scholar's duty to bend over backward in presenting evidence contrary to his own biases, his performance in this area is poor.

The contrast between Lipset's search for evidence to discredit the American student movement and his uncritical celebration of the university suggests that *Rebellion in the University* is as much a personal defense as a treatise in social science. Much of what the book presents is valuable—particularly its summary of the literature on the multiple sources of student protest—and Lipset's moderate tone is welcome. But when one steps back and examines the author's assumptions and method, and the distorting effect of his biases on his findings, one is forced to conclude that the balance sheet on *Rebellion in the University* is negative. □

Ingenious, Eloquent, Jocoserious

ULYSSES ON THE LIFFEY. *By Richard Ellmann. Oxford University Press. 208 pp. $8.95.*

MAX BYRD
Mr. Byrd teaches English at Yale University.

"That book is good in vain which the reader throws away," Doctor Johnson declared with characteristic violence and good sense. My own copy of *Ulysses* shows a ridge of dents and scars on its fat spine, outward signs of genuine heaving frustration. Even Joyce once confessed to Samuel Beckett: "I may have over systematized *Ulysses*." In his new book Richard Ellmann offers a superb exegesis of the 20th century's most famous novel, a critical study superior to all but a handful of essays and equal to any of them. But no more than his predecessors does Professor Ellmann dispel *Ulysses*' troubling complexity; indeed, his analysis sometimes reinforces it and raises the question anew.

Ellmann has set himself the task of explaining the philosophic and moral affirmations of *Ulysses* by revealing the elaborate literary structure that sustains them: the "Propositions" with which he concludes crown his book like a steeple. Of course, *Ulysses* has not always been understood as an affirming work, even in recent years, and the success of Ellmann's argument depends not only upon the structure which he illuminates (and in some cases excavates), but also upon the way most readers see the whole novel, the extent to which it moves them. There are cathedrals where only engineers can pray.

Ellmann makes the opposite claim for *Ulysses*. He begins by emphasizing its comic rather than tragic nature. Joyce "liked comedy both in its larger sense of negotiating the reconciliation of forces, and in its more immediate sense of provoking laughter. Sympathy and incongruity were his gregarious substitutes for pity and terror." The first six episodes of the novel together celebrate the inevitable renewal that follows upon every human experience of corruption: Stephen Dedalus' meditations upon death in the "Proteus" episode, for example, are succeeded by Leopold Bloom's sensual breakfast and his explanation of "metempsychosis" in "Calypso." In fact, Ellmann says, these six opening episodes reveal what he regards as the heart of the book's structure, a Dantesque triadic organization in which each triad moves from thesis to antithesis to synthesis. Frequently the movement can be shown

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to their hearts?)

OUR SOULS FOR SHOW

Richard W. Lann

to shift from space (the setting of the Martello tower in "Telemachus") to time (the history lesson in "Nestor"), or to a blending of both (Stephen's experiments with the "ineluctable modalities" of time and space in "Proteus"). More important, they move through moral propositions toward an affirmation. Bloom caps Stephen's meditations with his own: "There is another world after death named hell. I do not like that other world she wrote. No more do I. Plenty to see and hear and feel yet. Feel live warm beings near you. Let them sleep in their maggoty beds. They are not going to get me this innings. Warm beds: warm fullblooded life." Bloom and Stephen likewise move toward each other in their separate triads, calling and answering the same dark questions; Molly Bloom completes the triad of characters, which might also be seen as a Trinity.

The affirmation of life over death is made more concrete, in Ellmann's view, when it is presented as an act of love. "Force, hatred, history, all that," Bloom explains. "That's not life for men and women, insult and hatred. And everybody knows that it's the very opposite of that that is really life. —What? says Alf. —Love, says Bloom. I mean the opposite of hatred." Indissolubly linked to acts of love in *Ulysses* are acts of art. Stephen Dedalus is groping toward such a formulation in the "Scylla and Charybdis" episode, where the sexual act is compared to the artistic and where Shakespeare's plays and his children are at first analogous, then identical. *Ulysses* is a book in large part about physical and spiritual paternity, after all, and the act that generates each; and Ellmann brilliantly explicates Joyce's conviction that art and love are parallel processes, both entirely natural. Thus at the end of the Nighttown sequence Bloom stands a loving guard over the drunken Stephen, and that act of love permits him the vision of another, his dead son Rudy who appears to him as Ariel might to Prospero. The structure of *Ulysses* itself, as Ellmann sees it, enacts this analogy: its theses and antitheses thrust and couple, and its syntheses are parturitions.

But when we measure the actual acts of love and art in the novel against the possibilities, Joyce's achievement may be thought to falter. Bloom's one poignant moment, his diffident, inept affirmation, Stephen's half-finished little poem—these are almost all we get of love and art, though Molly gives us everything of nature. Joyce intended Bloom to be a hero, not merely an average man, and he intended his readers to assent to such propositions as, in Ellmann's words, "love makes possible the joining of art and nature." We are to see the correspondences between Bloom and Stephen, art and love, Molly and nature, between all the first and last things in the novel. We are also to see the correspondences between Bloom and his forerunner Odysseus, that hero of survival whose own story organizes Bloom's. Yet "*Ulysses* and *The Odyssey* are parallels that never meet," as Harry Levin has wittily remarked. And the space between them has not yet been determined. If Bloom is a hero, it is not because he battles monsters and gods, and survives like Odysseus. It is because he survives adultery and Dublin and is kind to Stephen; on such a basis do the intricate flutes and webbing of *Ulysses* rest. And we may ask if it is enough.

Professor Ellmann is clearly at home amid these complications. His response to them is very nearly one of art, and surely one of love. To him "there is passion in Joyce's form." In the elaborate schemes of bodily organs, colors and technics which Joyce so carefully followed, Ellmann sees "a silent, unspoken portrayal of an archetypal man who would never appear and yet whose body would slowly materialize as the book progressed, linguafied as it were into life." Not every reader will agree that these assembled organs come to life —just as not every reader will agree with Ellmann that Joyce has succeeded in making masturbation heroic. But few readers will fail to respond themselves to Ellmann's liveliness, his very Joycean "jocoseriousness." ("It is the first time in literature that this problem has been overcome, as well as the first time it has been posed," he writes in a sentence Joyce would like.) Indeed, his enthusiasm sometimes makes the book sound like the cultish outpourings of an Eccles Street Irregular: "Why Stephen Picks his Nose?" "Why Molly Bloom Menstruates?" "Why Bloom Orders a Gorgonzola Sandwich?" These pressing questions Ellmann ingeniously and sometimes eloquently settles. It is still possible to ask the larger question of whether Joyce's affirmations are heard and magnified through the Ulyssean structure, or whether that structure muffles and even denies them. But any further investigation will have to begin with this small, formidable book. □

FILMS

ROBERT HATCH

The Soviet *Uncle Vanya,* directed by Andrei Mikhalkov-Konchalovsky, is not pitched at the level I think right for Chekhov. I shall explain why I think it wrong, but want to acknowledge first that what I think is by no means binding. Really great playwrights tolerate, indeed encourage, a flexibility of interpretation that their lesser fellows do not offer. There may be only one right way to stage Congreve, but the approaches to Shakespeare are legion. Mikhalkov-Konchalovsky's conception of *Uncle Vanya* is valid, gripping, even terrifying; it did not stir me as deeply as the play has done in the past.

I think of Chekhov's world as being very still, anticipatory; the light is clear, the tone compassionate but ironic. Outbursts shatter the decorum only momentarily, and it is quickly restored, usually by one of those speeches of deliberate banality in which someone calls attention to the weather or remarks that a horse needs shoeing. Chekhov's people keep hold of themselves; they are ashamed when they do not. Violence, when it comes, is thus a spark flashing across a

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breathless sky. It should relieve the tension, but somehow it does not. To that degree, Chekhov is implacable.

In the present film, the characters act as they feel; they "let it out" and to a considerable degree this damped for me the full weight of their predicaments. The production tips toward melodrama: figures move about in the dark, midnight rooms; faces in close-up are distorted by pain; there are sudden confusions of physical assault. It is difficult to "hear" Chekhov in that turbulence, and I think that what his people say is more terrible than anything they can plausibly do.

The play is interpreted here as a storm of passion (taking place for the most part in a summer storm) and it rocks you with the crosswinds of emotion in that isolated provincial estate. Dr. Astrov (Sergei Bondarchuk) seems a lion dangerously uncaged, Vanya (Innokenty Smoktunovsky) strikes me as a man in full Byronic revolt. Both he and Sonya (Irina Miroschnichenko) were cast, I thought, as they might have been ten years before the time of the play, when life had not yet closed the door on them. She, in particular, is disconcerting, for one sees that she is a beautiful young girl and the assumption that she has been wasted into premature middle age by the grinding boredom of the estate's affairs is belied by the very lilt of her carriage. In admitting that he only "respects" her, Astrov seems more blind than honest and the awful truth of the play—that the lives of its people have not been spent but leaked away—is not quite made. For me, the greatness of Chekhov is not that you understand and pity his people but that you love them. In this overt production, I missed the upwelling of love.

As a film, the enterprise is expert and beautiful. The setting of the old house, comfort gone more than a little to seed, is excitingly right. The camera, conceived perhaps as an additional character in the play, slips observantly from room to room as the action moves. At moments, the director inserts stage effects, dimming the lights, freezing a tableau, as though signaling a curtain, but except for that ambiguity of media, he has translated the play to the screen with good taste and no strain.

The Russians, I suppose, like Chekhov because of his repeated insistence that his world had worn itself out and that a generation as yet unborn would look back at it in dismay. Mikhalkhov-Konchalovsky puts a lot of stress on this aspect of the playwright, particularly by lingering over Astrov's snapshot record of social squalor. The assumption seems to be that Chekhov's optimistic vision of a new day has been fulfilled. I'm not sure he would agree, but our own affairs fall so far short of justifying our national complacency that I'm not disposed to kid the Russians on that point. □

ART / Lawrence Alloway

Radio City Music Hall contains indisputable pieces of art, such as Stuart Davis' mural in the men's room, "For Men Only," but recently the building itself has been raised to the status of art. The highly elaborate interior design has been recognized and is being cherished on its own terms. At present its standing is that of a putative monument threatened by divisive miniaturization. There is a plan to insert an art theatre (or theatres?) within the protracted threshold that winds between street and auditorium. There is plenty of space, but to make the change would destroy one of leisure architecture's fanciest transition zones between the life outside and the spectacle in the dark inside.

In addition to its aesthetic rehabilitation, the Music Hall has become the subject matter of art. Roy Lichtenstein's "Modern Paintings," which he began in 1966, take 1930s' design motifs, from such places as cinema foyers, ocean-liner ballrooms, cocktail lounges, and maybe a few magically preserved diners. Whether or not he used the Music Hall specifically, his choice of period forms as the subject matter of paintings and sculptures shifted his use of "a discredited area" of taste (the artist's phrase) from the quotation of comic books to the evocation of a period style. When he started there was no generally agreed-on term for the style, but by the end of the 1960s usage had settled on Art Deco.

Last month at the Sonnabend Gallery there was an exhibition by Brigid Polk entitled "Radio City Music Hall." She presented a slide show that stayed away from architecture and films and focused on the Rockettes. She used two slide projectors to throw images of the stage show on the wall of the gallery. The slides were taken from out front: some were detailed, some blurred images of pre-Crazy Horse stately chorus girls; some photographs were about the dazzle of light, others about its shortage. A tape of thunderous tap-dancing accompanied the successive dissolving images.

There seems to be a pretty clear deri-

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MASCULINE/FEMININE
(for Ted Hughes)

Crow catches snake.
Her slim form struggles,
wraps around his horny beak.
He does not yield; she dies in pieces.

Her original mouth, hardened into a beak,
eats his bitter fruit again,
the devil snake never quite understanding his fall.

Catherine Stetson

vation from another artist in this exhibition. The Rockettes provide the subject of the cover photograph of Ira Joel Haber's *Radio City Music Hall,* a mimeographed pamphlet published in 1969. Although it is in an edition limited to forty copies, Haber last year presented a version of it as a performance piece, with tape, slides and film. It is hard to exclude Brigid Polk from the group that is cognizant of performance and Conceptual Art work of even limited circulation. (Her earlier work, incidentally, derived from Andy Warhol's use of the Polaroid with an emphasis on skin.) Because performance and Conceptual Art pieces are new phenomena, it does not mean that a situation of breathless simultaneity exists in which all is freshness and experiment. On the contrary, the priorities and rip-offs that are the standard subject of art history occur constantly. One of the functions of an art critic should be to provide a short-term art history. Since an art critic sees more *new* art than most people, he is in a position to register the sequence in which work is actually done, something which is often hard to sort out later.

Let me describe Haber's *Radio City Music Hall*: on the cover is a grainy photograph of the Rockettes; the frontispiece shows the corner site on 50th Street and 6th Avenue, with its lunging Art Deco geometry; this is followed by maps, with blocky modernistic lettering, of the Fire Exits from the orchestra, first, second and third mezzanines. Then Haber lists the films shown at the theatre from 1933, when it opened with *The Bitter Tea of General Yen,* through to 1969 and *The Christmas Tree* (a soap opera with William Holden that bombed). He includes contemporary ads for *Words and Music* ("based on the lives and music of Richard Rodgers and Lorenz Hart"), a colored postcard of the exterior, a Xerox of the program for the "week beginning Thursday, December 5, 1946" when the stage show consisted of *The Nativity* and *Good Ship Holiday* and the movie was *Till the Clouds Roll By,* with Robert Walker as Jerome Kern. Ads for Anthony Mann's 1961 remake of *Cimarron* and Delmer Daves' *A Summer Place,* one of the best soap operas from 1959 (that was a good time for the genre), are included. The book concludes with a panoramic view of the auditorium, empty, with the lights on, the great fan of seats curving across the floor (room for 6,200) and the enormous fluted roof with concealed lights arching overhead.

Various themes are implicit in the book but without becoming its subject. Haber is aware of and appreciates the style of the building, but he is too objective to be suspected of nostalgia; and he is certainly devoted to movies. The thirty-six-year list of films offers a graph of popular taste, both in subject changes and in length of booking (forty-seven films in 1933, eight in 1969). However, he does not comment on this, though it is revealed by his way of ordering the data. Possibly greater emphasis is to be put on the fact that the titles of movies are, for many of us, shorthand cues for values and moments in time, in the way that classical allusions used to be. On that basis, the listing means a great deal to a media-trained audience, but the material is presented as a deadpan array of specifics. Haber is using publicly available and partially familiar information, without departing from, to quote the artist, "acknowledged sequences of facts."

Haber's *Radio City Music Hall* (and two other books, *Films No. 1* and *Films No. 2,* both of them based on variant listings of movies, at once systematic and arbitrary) belongs with what is called Conceptual Art. It is a very broad category that often has nothing to do with the "pure play of thought" or with the "dematerialization" of the art object. Its form is frequently documentary, as here. It is a climax of the penetration of art by quotidian information, the taking of facts in a literal form into art. The source material is neither ideal nor bizarre, but fundamentally familiar, though the system by which it is organized introduces fresh configurations. It is in this area that Haber's work seems important and vivid, and that of Brigid Polk derivative and secondary. □

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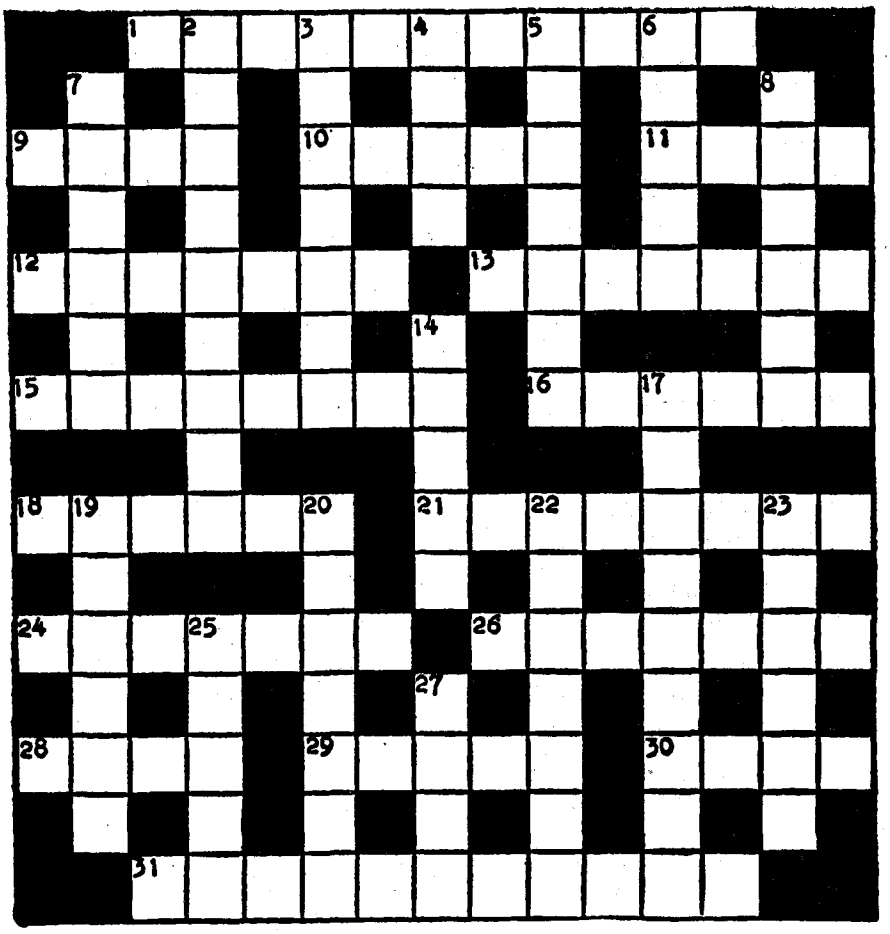
Crossword Puzzle No. 1447

FRANK W. LEWIS



ACROSS

1 See 27 down.
9 The fact that one's head used to be carried high at Christmas doesn't sound very interesting. (4)
10 12th, or 13 and 28. (5)
11 Well, you aren't quoted by the sound of it! (4)
12 Inevitable result of one getting in a sort of trance. (7)
13 and 28 across Surprised exclamation upon finding a person agrees to do something as an alternative to play. (4,3,4)
15 Accompaniment to an old torch song? (It's a loud little bleater on the water over the ocean!) (8)
16 Do something superficially. (6)
18 Sub-arboreal book, with food and drink? (6)
21 One way to display affection, and sort of cute, also. (8)
24 See 14 down.
26 Wagers just about everything to produce cultural events. (7)
28 See 13 across.
29 Polonius was stabbed through it. (5)
30 How can one be ten to represent such an animal? (4)
31 Dispatched one with intellectual makeup, like Barrie's Tommy. (11)

DOWN

2 Hardly "La Dolce Vita" of Dickens. (4,5)
3 A real characterization, cast as ingenue. (7)
4 The boyfriend of Bess, if not soft-headed, could give quite a party! (4)
5 Cannot *Che* definitely show what some pistols were in the hands of badmen? (7)
6 In groups ethnically inclined, the underdog is victorious. (5)
7 Descriptive of a cold blow for weary Mr. Capone, perhaps. (6)
8 It might have some old writer's work, with a little science on the list. (6)
14 and 24 across One way to make the next cot irrelevant! (3,2,7)
17 Possibly associated with Russian pluck. (9)
19 Of foreign origin, not necessarily striking in appearance. (6)
20 A once-taboo word? So much for the French, as any sailor knows! (7)
22 Song of a famous detective, and his number one assistant. (7)
23 One who makes fancy work out of a torn piece of cloth? (6)
25 It's a fine fabric (5)
27 and 1 across How an Astronaut does basic training? (4,3,6,2)

SOLUTION TO PUZZLE NO. 1446

ACROSS: 1 Manifestations; 9 Gotland; 10 Cheater; 11 and 5 down Public accountant; 12 Curtails; 14 Evident; 15 Tartu; 17 Essay; 19 Renewal; 21 True copy; 23 Sconce; 25 Trainee; 26 Crimson; 27 Cinematography. DOWN: 1 Megaphone; 2 Notable; 3 Fragility; 4 and 8 Sidearms; 6 Inert; 7 Nuttier; 13 Neuroptera; 15 Town crier; 16 Uncleanly; 18 Scutari; 20 Lines up; 21 Tote; 22 Canoe; 24 Echo.

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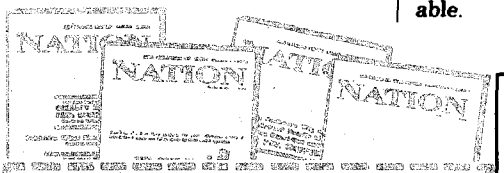

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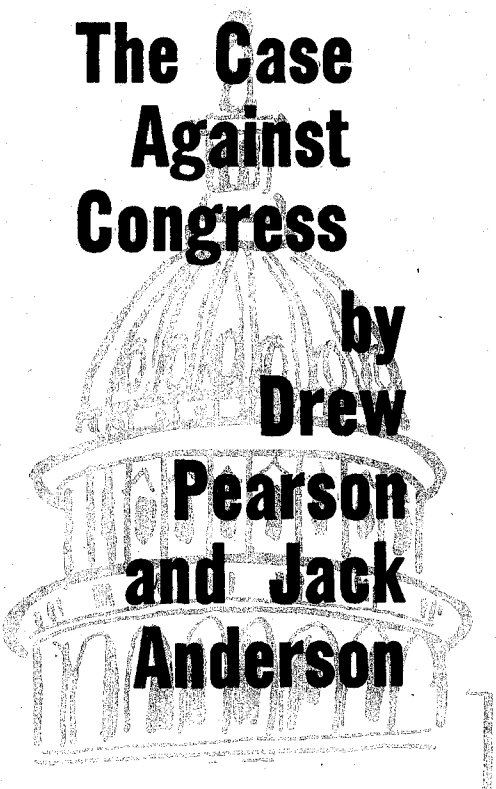

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